

JACOB PIATT DUNN, JR.:
INDIANA DEMOCRAT AND REFORMER, 1888-1911

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"You have to make more noise than anybody else, you have to make yourself more obtrusive than anybody else, you have to fill all the papers more than anybody else, in fact you have to be there all the time and see that they do not snow you under, if you are really going to get your reform realized."

Emmeline Pankhurst, English suffragette, 1913

CONTENTS

	Preface	v
	Introduction	1
I.	Jacob Piatt Dunn, Jr.: Early Life and Influences	14
II.	The Presidential Election of 1888 and the Australian Ballot Issue in Indiana	32
III.	Dunn and the 1891 Indianapolis City Charter	46
IV.	Dunn, Governor Thomas Marshall and the Indiana Constitution	61
	Conclusion	102
	Bibliographical Essay	107
	Biographical Note	

PREFACE

"The history of the world," according to Scottish historian Thomas Carlyle, "is but the biography of great men." Such an assertion has undergone great challenges in the later half of the twentieth century, particularly from French *annalists* like Fernand Braudel, as more and more historians have concentrated their efforts on history "from the bottom up," uncovering the stories of those who were overlooked by scholars of Carlyle's time--laborers, immigrants and ethnic minority groups, and women.

There is still room in the historical profession, I believe, for examining the lives and careers of those "great dead white men" who influenced the lives of everyday people. In Indiana, particularly in the late nineteenth and early twentieth centuries, no man had a greater impact on the political life of Hoosiers, particularly the issue of suffrage, than Jacob Piatt Dunn, Jr. As an amateur historian who became immersed in the cauldron of political activity that marked Indiana's history as a pivotal state in national politics, Dunn left behind riveting firsthand accounts of those heady days. The full story of Dunn's influence on the political activities he described in such multivolume works as *Indiana and Indianans* and *Greater Indianapolis*, both of which remain standard works today, has rarely been

scrutinized, a situation I hope is rectified through the following work.

Many people have had a hand in helping to prepare this thesis. For their comments on a earlier version of this work, which was eventually published in the December 1994 issue of the *Indiana Magazine of History* as "'To Secure Honest Elections': Jacob Piatt Dunn, Jr., and the Reform of Indiana's Ballot," I am indebted to Dr. Robert Barrows, Indiana University-Purdue University at Indianapolis associate professor of history; Dr. James H. Madison, Indiana University History Department chairman; and Lorna Lutes Sylvester, *Indiana Magazine of History* associate editor. Members of my thesis committee, Dr. Ralph Gray and Dr. Scott Seregny, also provided thoughtful and helpful suggestions for improvements.

Also providing invaluable assistance and advice on this and the earlier work have been my wife, Megan McKee, Indiana Historical Society editor; J. Kent Calder, *Traces of Indiana and Midwestern History* managing editor; and Paula Corpuz, IHS senior editor.

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INTRODUCTION

Frederick M. Davenport, a staff correspondent for the weekly New York City newspaper *The Outlook*, traveled extensively throughout the Middle West in the spring of 1916 gathering information on the upcoming presidential nomination campaign. One of the places he visited was Indiana, which had often played a pivotal role in national elections up to that time. Reflecting on the Hoosier state, Davenport wrote that back East, Indiana had the "reputation politically of being sodden, mediocre, deeply satisfied with things as they are provided they are bad enough." He characterized the state's party managers as "flat, insipid, and platitudinous." The reporter went on to portray Indiana as the "original lair of the stand-patter in the United States."¹

Davenport's assessment of the nineteenth state had more than a little basis in fact. During the late nineteenth and early twentieth centuries, Indiana, as Democratic United States Senator Daniel W. Voorhees termed it, was the "Belgium of politics, the debatable land between great contending parties and opinions."² Democrats and Republicans battled fiercely to sway Indiana voters to their cause by such means as naming Hoosiers to their national tickets, usually as vice president. From 1840 to 1940 almost 60

percent of the national elections had Indiana politicians on the ballot. One Republican official in 1876 went as far as to claim that "a bloody shirt campaign, with money, and Indiana is safe; a financial campaign and no money and we are beaten." As an "October state" from 1851 through 1880, with elections for state and local officials held a month before the regular election, Indiana offered to political parties a sounding board on the mood of the voters. The state's prominence in national politics, however, came with a price. Party managers used whatever means necessary to garner votes for their candidates, including importing voters from out-of-state and outright vote buying. Such activities won for Indiana, noted a historian of the period, an "unenviable reputation for political corruption."³

Corruption had become so commonplace in the Hoosier state that those working at the grassroots level for their party of choice offered as proof of their loyalty the fact that they had "risked the penitentiary" on its behalf. Fellowships formed across party lines as workers on either side held little or no fear of harsh penalties being enacted if they were caught dealing in some shady political maneuvering. "Usually after a warm campaign," a historian of the period noted, "there were several arrests, and sometimes indictments, but there was always an 'exchange of prisoners.'"⁴

Disgusted with the political situation in his state, Republican attorney William P. Fishback, in a plea for

honest elections before Indiana University students in 1886, offered the following assessment:

If Nathaniel Hawthorne's magic bugle were to summon into line--clothed in proper raiment of horizontal stripes, all the rascals who bribed voters, or who took bribes for their votes, who corrupted election officers, or falsified election returns, who swore in illegal votes, who colonized voters, who voted twice, or voted double tickets, who tampered with ballots after they were cast, who consorted with or encouraged repeaters and ballot-box stuffers, or who were accessory to their escape from the just penalties of the violated law, it would be, I fear, a large procession, in which we would see both parties represented, and in which we might discover men of good repute, as the phrase goes, and some who have had and now have official preferment mainly because they had earned a place in that procession.⁵

Deploing the sorry situation of Hoosier politics--he claimed that the state had been reduced to a "pitiable condition of political corruption . . . and both the great parties had been exhausting the resources of political depravity to carry it"⁶--one man, Jacob Piatt Dunn, Jr., an attorney, journalist, Indiana historian, and Democratic party regular, was in the vanguard of a reform endeavor stretching from 1888 to 1911 and dedicated to cleansing the sordid reputation Indiana had earned for itself through election chicanery. From his key role in adopting the Australian ballot system in Indiana to his ultimately failed attempt at enacting a new state constitution, Dunn, working both behind the scenes and in public, did more than anyone, including elected officials, to reduce fraud and ensure honest elections in Indiana.

Through his work on electoral and other reforms--shepherding through a new city charter for Indianapolis,

establishing township libraries throughout the state, and ensuring equitable tax assessments--and his historical writing, Dunn hoped both to reverse Indiana's poor national reputation and inspire Hoosiers to take a genuine sense of pride in their state. Although Dunn mainly blamed Indiana's political corruption for its sordid national standing, the historian pointed out that part of the blame also rested on "ignorance on the part of ourselves and of the world at large of what Indiana has to be proud of. We put in our time reading Eastern periodicals, studying European politics, and striving in general to keep up with what we call the progress of the century, instead of noting the real progress that is being made on all sides of us."⁷

Dunn's reform efforts came during an era when politicians, journalists, writers, lawyers, labor leaders, and others on the local, state, and national levels were attempting to rectify what they believed were iniquities in American life. This diverse group by no means agreed upon what reforms were needed. Some wanted to prohibit the consumption of alcohol, others hoped to lessen the powerful hold business trusts had on the country, and still others fought for women's suffrage. Drawing together these disparate aims was a shared sense of what one scholar of the period termed "optimism, morality, and activism."⁸ They also shared such values as a faith in majority government; the firm belief that people should control their government, both before and after elections; and a conviction that

citizens had an obligation to participate in forming their government.⁹

For Dunn, however, the greatest obstacle standing in the way of good government was the corruption of voters. "Of what possible benefit is it to have direct primaries, if the candidate can purchase his nomination?" he asked. "Of what avail the initiative, referendum, or recall if your appeal is to a debauched electorate? What adds whether women vote or not, if enough voters are controlled to fix the results of the election?" In reality, Dunn proclaimed, without honest elections it would be "impossible" to have popular government. His fondest wish would be the power to "sound in the ear of every voter in the country the solemn warning that if we do not eradicate the corruption of the suffrage in this country it will ruin our government."¹⁰

Paradoxically, for one who often railed against the depravity of party regulars, Dunn preferred to engage in his reform activities from within the Democratic party, merging his political and historical interests throughout his career. His daughter, Caroline Dunn, who followed in her father's footsteps by seeking a career in a number of Indiana libraries, noted that her father was fascinated with politics. Much of his writing, she said, was "political or politico-economical."¹¹ In an article titled "Duty of the State to Its History," which appeared in the December 1910 issue of the *Indiana Magazine of History*, Jacob Dunn set out his philosophy about the merging of history and politics. He

agreed with the Roman historian Tacitus that the "chief use of history is to promote good government." Dunn noted that the democracy of his own day was a far cry from the absolute monarch of Tacitus's time. He theorized:

History in our times is the record of progress in civilization and government. It is the record of the experience of the state, and a state should profit by its experiences just as an individual does. But there is this difference: An individual carries the memory of his experience with him, while the governing powers of a state are frequently changed, and the experience of one generation is lost to following ones, unless it be recorded in some permanent way.

Dunn warned government officials that their actions in office--both good and bad--would be recorded for posterity. He also stressed the importance for future generations to know about the past "in order to hand down the goodly heritage of civilization and government that comes to their hands."¹² Also, as an historian, Dunn believed that he had an obligation to keep watch over "history in the making, and point out evils to be avoided." Throughout his career he made a habit of pointing out those "evils to be avoided," and offered suggestions for ways to lessen their effect on the body politic.¹³

During his opening speech in his 1902 campaign for Congress in Indiana's Seventh Congressional District, Dunn expanded on his political beliefs for Hoosier voters. He declared that he believed fully in what he called the "American theory of government," with nations having the right to decide their own fate without interference from outside governments. This had to be true, he said, because

"any people must know their own needs better than any other people know them and they are more interested in getting good government for themselves than any other people can do in giving them good government." Although people are often guided more by prejudice, desire for gain, or "unfounded hopes and fears" than by reason, Dunn expressed the belief that the "great majority of the people really want what is right."¹⁴

The Hoosier historian stood by his convictions in practice as well as in theory by becoming actively involved in the reform issues cited above. Dunn knew that the successful passage of reform measures would not necessarily turn sinners into saints, but he believed such legislation could "prevent them from reaping the fruits of dishonesty." He reasoned that the best way to stop suspected evil was "to take away, as far as possible, the motive for wrong-doing." Once men understood that they could violate the law at will, Dunn warned that "you will have as many varieties of violation as you have men to deal with." The public, he said, first had to be convinced of the nature of the evil to be remedied. Once that had been accomplished, officials could then convince voters to utilize a "rational remedy." Dunn used a folksy example to illustrate his idea, noting that a doctor may know how to treat rheumatism but he could not make any progress if a patient "thinks he can cure it by carrying a buckeye in his pocket."¹⁵

Dunn's reforming zeal seemed to be in line with the Progressive era's faith in having the right laws, enforced by the right men, producing the right results, but there was a difference.¹⁶ He mixed his crusades for transformations of the Hoosier state with a healthy dose of Democratic party politics. Dunn reveled in the give-and-take of frontline politics and used his considerable writing skills on behalf of the Democrats. Although some of his Democratic friends considered him a mugwump--independent in his political beliefs--Dunn pointed out that all of his Republican associates "consider me a hide-bound Democrat: and I freely confess that I have a Democratic bias." He had this bias because he believed in "Democratic principles, and I know that they can be attained only through having Democrats in office."¹⁷

Although he fought for political reform throughout his life, Dunn could never be mistaken for those reformers dismissed by Tammany Hall leader George Washington Plunkitt as "mornin' glories--looked lovely in the mornin' and withered up in a short time."¹⁸ A practical man, Dunn had little time during campaigns for Prohibitionists, Socialists, and Social Labor parties who were too busy engaging in a "noble fight for the vindication of their principles" to actually elect their candidates. The object of an election, he pointed out, is to "choose officers to conduct the government, and they never will catch it; so there is no occasion for wasting any time considering

them."¹⁹ Dunn remained loyal to the party of Jefferson and Jackson even if it meant being forced out of his position as Indianapolis city controller by a Democratic mayor looking for a scapegoat to bear the blame for financial irregularities practiced by his political appointees.

Dunn's unwavering campaign for good government and honest elections, however, had another side. Like many of his Progressive-era contemporaries he distrusted the impact immigrants and African Americans might have on elections and devised measures to "restrict the franchise to the well-bred, 'deserving' citizens of the community."²⁰ The legislation Dunn authored to secure a virtuous suffrage restricted voting rights to those who could read and write. He asserted that suffrage had "debased the negro, on the average, instead of elevating him. It has made him insolent and quarrelsome instead of self-respecting." Because he believed that the right to vote was based on the state's welfare, it would be unkind to give an African American "a right that is injuring him and injuring the state also." It would not be unjust, he continued, in denying voting rights "to the negro who remains illiterate, shiftless or criminal."²¹

Whatever his prejudices, Dunn deserves the lion's share of credit for restoring honesty to Hoosier elections. His determined struggle throughout his life to ensure the purity of the ballot typified the historian's perspective on life. This was an outlook that could not be confined to merely

recording the facts for posterity; Dunn was happiest as an active participant in the political process. He used his experiences in his various reform efforts--fighting for the Australian ballot law, securing a new city charter for Indianapolis, and a new constitution for the state--to produce riveting firsthand accounts on Indiana's history in such multivolume works as *Greater Indianapolis* (the standard history of Indianapolis for more than eighty years) and *Indiana and Indianans*. His fusion of history and politics continues to affect Hoosiers every time they go into a voting booth, close the curtain, pull a lever, and make their choices for representation in secrecy.

NOTES FOR INTRODUCTION

¹Frederick M. Davenport, "The Pre-Nomination Campaign: The Light Breaking Over Stand-Pat Indiana," *The Outlook* (24 May 1916), 177.

²As quoted in David Turpie, *Sketches of My Own Times* (Indianapolis: Bobbs-Merrill Company, 1903), 302-3.

³Clifton J. Phillips, *Indiana in Transition: The Emergence of an Industrial Commonwealth, 1880-1920* (Indianapolis: Indiana Historical Bureau & Indiana Historical Society, 1968), 2. See also, Ralph D. Gray, *Indiana's Favorite Sons, 1840-1940* (Indianapolis: Indiana Historical Society, 1988), 6-7.

⁴Jacob Piatt Dunn, Jr., *Greater Indianapolis: The History, the Industries, the Institutions, and the People of a City of Homes*, 2 vols. (Chicago: The Lewis Publishing Co., 1910), 1:292-94.

⁵William P. Fishback, *A Plea for Honest Elections: An Address Delivered to the Students of Indiana State University, May, 1886* (Indianapolis: A. R. Baker, Printer, 1886), 17-18.

⁶Dunn, *Greater Indianapolis*, 292-94. Despite his lifelong attempt to cleanse the sordid mess at Indiana's ballot box, Dunn possessed a grudging respect for those involved with besmirching the state's reputation. One of these characters was Simeon Coy, Marion County Democratic party chairman and city council representative for the Eighteenth Ward. Reputed to be the illegitimate son of a prominent Indianapolis businessman, Coy worked his way up from serving as an apprentice printer to becoming the "absolute dictator in Marion county politics," according to the *Indianapolis News*.

"He [Coy] had no scruples about political crookedness. That was part of 'the game,' as played by nine-tenths of those in it; and the man who did not take any kind of political advantage when he had the opportunity was not only a 'chump,' but was not 'playing the game,'" Dunn said. Although he thought of Coy as a crook, Dunn acknowledged that the Democratic boss, who went to jail for altering tally sheets in the 1886 Indianapolis city elections for criminal court judge, did have in him a form of honesty. "It was universally conceded that if he were given money to 'buy a crowd,' he either accomplished the result or returned the

money," said Dunn. Coy's supreme contempt, the historian went on to say, was for the man "'who wouldn't stay bought when he was bought.'" After serving his sentence in the Michigan City prison, Coy came back to Indianapolis and regained his old city council seat. Ibid., 294. See also, William Dudley Foulke, *Marion County, Indiana, Tally Sheet Forgeries: Speech Delivered by Hon. W. D. Foulke* (Indianapolis: n.p., n.d.); Phillips, *Indiana in Transition*, 28; and "Sim Coy Methods Used by Machine," *Indianapolis News*, 23 September 1913. For Coy's entertaining version of the tally sheet case, see Simeon Coy, *The Great Conspiracy: A Complete History of the Famous Tally-Sheet Cases* (Indianapolis: n.p., 1889).

⁷ Taken from biographical sketch of Judge Isaac Blackford in Jacob Piatt Dunn, Jr. Papers, Indiana State Library, Indianapolis.

⁸ Keith W. Olson, *Biography of a Progressive: Franklin K. Lane, 1864-1921* (Westport, Conn.: Greenwood Press, 1979), 5-6. See also Arthur S. Link and Richard L. McCormick, *Progressivism* (Arlington Heights, Ill.: Harlan Davidson, Inc., 1983); and Daniel T. Rogers, "In Search of Progressivism," *Reviews in American History* 10 (December 1982): 113-132.

⁹ Russel B. Nye, *Midwestern Progressive Politics: A Historical Study of Its Origins and Development, 1870-1958* (East Lansing, Mich.: Michigan State University Press, 1959), 186.

¹⁰ Untitled speech on suffrage, Dunn Papers, Indiana State Library.

¹¹ Caroline Dunn, *Jacob Piatt Dunn: His Miami Language Studies and Indian Manuscript Collection*, Prehistory Research Series, vol. 1, no. 2 (Indianapolis: Indiana Historical Society, 1937), 32-35.

¹² Jacob Piatt Dunn, "Duty of the State to Its History," *Indiana Magazine of History* 6 (December 1910): 137-38.

¹³ Jacob Piatt Dunn, "Shall Indian Languages Be Preserved?," *Journal of the Illinois State Historical Society* 10 (April 1917): 87.

¹⁴ *Opening Speech of J. P. Dunn, Democratic Candidate for Congress in the Seventh Indiana Congressional District, delivered at Masonic Hall, Indianapolis, October 2, 1902* (Indianapolis: n.p., n.d.), 12.

¹⁵ Jacob Piatt Dunn, *The New Tax Law of Indiana and the Science of Taxation* (Indianapolis: Indianapolis Printing Co., 1892), 35-36; *The Omitted Paper: Municipal Financial Pressure, An Address before the Second Annual Conference on Taxation in Indiana by J. P. Dunn, City Controller of Indianapolis* (Indianapolis: Premier Printing Co., 1914), 1; and *The Real Trouble with the Indiana Tax Law: An Address by J. P. Dunn, City Controller of Indianapolis, at the Bloomington Tax Conference, February 5 and 6, 1914* (n.p., 1914), 8.

¹⁶ Richard Hofstadter, *The Age of Reform: From Bryan to F.D.R.* (New York: Vintage Books, 1955), 203.

¹⁷ Jacob Piatt Dunn, *Why Is a Democrat? Speech of Hon. Jacob P. Dunn on the Issues of the Present City Campaign, Before the Democratic Business Men's Meeting at the Denison Hotel, September 26, 1913* (Indianapolis: n.p., n.d.), 3.

¹⁸ William L. Riordon, comp., *Plunkitt of Tammany Hall: A Series of Very Plain Talks on Very Practical Politics, Delivered by Ex-Senator George Washington Plunkitt, the Tammany Philosopher, From His Rostrum--The New York County Court House Bootblack Stand* (New York: E. P. Dutton, 1963), 17.

¹⁹ Dunn, *Why is a Democrat?*, 5.

²⁰ William J. Crotty, *Political Reform and the American Experiment* (New York: Thomas Y. Crowell Co., 1977), 4. See also Frances Fox Piven and Richard A. Cloward, *Why Americans Don't Vote* (New York: Pantheon Books, 1989).

²¹ Jacob Piatt Dunn, *The Negro Issue: An Address by Jacob Piatt Dunn, City Controller of Indianapolis, before the Indiana Democratic Club, October 13, 1904* (Indianapolis: Sentinel Printing Co., 1904), 17, 22. See also "Jacob P. Dunn Talks on the Negro Issue," *Indianapolis News*, 14 October 1904.

The historian displayed a more progressive attitude on the subject of women's rights. At the Indiana Historical Society's annual meeting on 27 December 1888, Dunn sponsored a resolution stating to the membership that it was "the sense of the Society that ladies were admissible to membership." His attempt to open the all-male Society membership to women failed and it took until 1907 for the first female--Eliza Browning--to become an IHS member. See James A. Woodburn, *The Indiana Historical Society: A Hundred Years* (Indianapolis: Bobbs-Merrill Co., 1933), 27.

CHAPTER I

JACOB PIATT DUNN, JR: EARLY LIFE AND INFLUENCES

In the early summer of 1924 a reporter for the *Indianapolis News*, preparing an obituary on the life and career of Jacob Piatt Dunn, Jr., a leading citizen who had just died, asked for a comment from United States Senator Samuel Ralston. The one-time Indiana governor had nothing but praise for the man who worked as his private secretary in Washington, D.C. Expressing his admiration for his deceased friend, Ralston noted that when the two had returned to Indianapolis from the nation's capital he could tell that something was wrong and that death was near. Characteristically, Ralston's friend and fellow Democrat was convinced he would be all right. "His will power was strong," Ralston said of Dunn, "and he was slow to admit that he could not accomplish anything he undertook. The idea of his having to surrender to the will of any man or even to physical troubles was to him apparently a preposterous thought."¹

This stubbornness even in the face of the illness that would kill him stood Dunn in good stead as he battled to reform Indiana's wayward electoral system during the Progressive era. It was a stubbornness he came by honestly from his father, a prospector, farmer, and merchant, and one

Dunn passed on to his daughter, Caroline, who for thirty-nine years served as librarian for the Indiana Historical Society.

The political mastermind behind measures to purify the state's ballot was born on 12 April 1855 in Lawrenceburg, Indiana, the third of five children (four others had died in childhood) raised by Jacob and Harriet Louisa (Tate) Dunn. Dunn's father, Jacob Piatt Dunn, Sr., was the son of Isaac Dunn, one of the first settlers in the Whitewater Valley. A judge, bank president, businessman and postmaster in Lawrenceburg, Isaac Dunn often, after traveling to New Orleans on business matters, made the trip back home on foot. Jacob Piatt Dunn, Sr., a cattle trader for a time up and down the Ohio River and a lifelong Democrat, was one of many who traveled to California in 1849 seeking his fortune in the gold fields. He returned to Indiana in 1860 and a year later moved his family to Indianapolis, where he worked in the real estate business until his death on 21 November 1890.

A pious man, Dunn, Sr., upon his death, was lauded by the Meridian Street Methodist Episcopal Church of Indianapolis, where he had long been a member. "Brother Dunn was in every relation of life a character to be imitated and admired," read a memorial tribute adopted by the church. "His religious convictions being the result of candid thought and based upon a rational and intelligent faith, his religious life was symmetrical in all its parts."² The

onetime prospector, who retained investments in some Colorado silver mines, made it a point to instill the same high degree of religious faith in his children, especially when it came to such matters as the morality of alcohol. On 2 April 1872 the then seventeen-year-old Jacob Piatt Dunn, Jr. and his siblings signed an agreement among themselves to abstain from drinking or using "as a beverage any intoxicating liquors either distilled or fermented and for the faithful maintenance of this obligation relying for aid on Divine Providence we pledge to each other our word and honor."³

After attending private schools for several years, Dunn entered the public schools in Indianapolis in 1867. Four years later, he was sent by his parents for further education to Earlham College in Richmond, Indiana, where he graduated in 1874 with a bachelor's degree in science. Life at the Quaker institution of higher learning was filled with the same moral fervor the young man had experienced in the Dunn household in Indianapolis. Reminiscing about his days at Earlham during a meeting of the Society of Indiana Pioneers, Dunn noted that during his time there the college refused to allow any musical instruments on campus. "In three years I heard but one song in a religious service," he recalled. One Sunday during the church service a young woman sang one verse of "Rock of Ages" all by herself. "It caused more discussion than any other event while I was there."⁴

Those early religious experiences left their mark on Dunn. "There is nothing that affects a human life so much as a fervent, deep-seated belief, whether it concern religion or politics, or anything else," he said.⁵ The future Indiana historian's religious upbringing fits a pattern shared by many Progressive-era men and women. In his study of one hundred of the first generation of American progressives born between 1854 and 1874, Robert M. Crunden found that they "absorbed the severe, Protestant moral values of their parents," but instead of entering the ministry, these educated men and women turned to new professions like academia, journalism, law, politics, and social work. "In each of these careers," Crunden noted, "they could become preachers urging moral reform on institutions as well as individuals."⁶

In 1876 Dunn received a law degree from the University of Michigan. After returning to his Indianapolis home, he continued his law studies with the firm of McDonald and Butler. The rigors of law, however, were no match for the lure of the West. In 1879 Dunn and his brothers left the Hoosier state for Colorado to look after their father's silver mine investments and to try their hand at prospecting. "There are a great many strangers here, 'tender-feet' like myself," Dunn wrote a friend back in Indianapolis from Silver Cliff, Colorado, "who have come to seek their fortune. If half of us find it, we will carry off the State bodily."⁷

He discovered, however, that the life of a prospector in Colorado's mountains was hard and thankless. The junior Dunn failed to strike it rich, but he did mine a collection of humorous stories about his adventures. On one prospecting trip into the mountains Dunn had camped near a stream and had gone to sleep only to awake at 10 p.m. that night nearly frozen. "Moved up nearer fire. Woke up 11 P.M., fire out; frozen to death; ditto at 12, 1, 2, 2:30, 3, 3:30, 4, 4:30, 5." In the morning he found that his burro had wandered from camp and he spent a considerable time navigating the mountain's treacherous slopes to track it down. "The man who wrote 'Not for gold nor precious stones would I sell my mountain home,'" Dunn said, "was either a greenbacker or some other idiot who had never seen a mountain. I shall not go out of my way to climb mountains any more. If one approaches me I will defend myself, but I seek no trouble with them."⁸

Instead of treasure, Dunn found something far more important, trades that sustained him for the rest of his life: journalism and history.⁹ While in Colorado Dunn loved to hear tales from old-time prospectors, whom he called "glorious liars"; he also became fascinated with Native American lore and history. Inspired by the appearance in 1881 of Helen Hunt Jackson's *A Century of Dishonor*, an indictment of whites for their unjust treatment of Native Americans, he began to collect information on the clashes between white and Indian cultures, which motivated him to

write what became the book *Massacres of the Mountains: A History of the Indian Wars of the Far West, 1815-1875*, published in 1886. The book received a glowing review from another amateur historian, Theodore Roosevelt. Two years after the book had been published, Roosevelt wrote Dunn that in conducting some studies he had occasion to re-read *Massacres of the Mountains*. "I have been struck," said the future president, "with its absolute fairness and incisive truthfulness that I can not forebear writing to express my appreciation." Roosevelt went on to opine that Dunn's work would serve "as one of our standards."¹⁰

Along with starting him on the path to his career as a historian, his time in Colorado also gave Dunn a chance to exercise what a fellow Indiana historian described as "a versatile mind and a facile pen" through his work on a number of newspapers in the state.¹¹ Dunn contributed articles to such newspapers as the *Denver Republican*, *Denver Tribune*, *Leadville Chronicle*, *Maysville Democrat*, and *Rocky Mountain News*. While covering city government for the *Denver Republican*, Dunn came face-to-face with a problem he made it his life's work to solve--political corruption.

According to Dunn's account, on the Denver city council there were eight members who essentially ran the community. "Anybody who wanted anything from the city had to buy those eight members," he recalled. In one instance involving the C. B. & O. Railroad, which was attempting to build a line into the city, an ordinance the railroad wanted passed

surprisingly faced opposition from all but one of the "Big Eight" council members. Running across the railroad's attorney, Dunn reported the following conversation:

"Your ordinance seems to have hard sledding."

"Yes," he responded grimly.

"I understand there hasn't been a square divvy," I suggested.

He smiled sweetly and turned away. At the next Council meeting the ordinance passed without opposition, and the story was in everybody's possession. The spokesman of the 'Big Eight' had been approached and after negotiations had agreed to get the ordinance through for \$5,000. The money had been paid to him, and he had coolly appropriated all of it. The railroad company could not complain that its bribery had not been carried out as agreed. All it could do was to buy the other seven members independently.¹²

During Dunn's early days in the field, history was, as Richard Hofstadter noted, "the prerogative either of leisure-class gentlemen of commanding means or of a few hardy spirits . . . who had the energy for other enterprises as well as history."¹³ In pursuing a dual interest in history and journalism, Dunn followed a path first blazed in the Hoosier state by the "Father of Indiana History," John B. Dillon, who wrote the respected *History of Indiana* (1843), worked as editor of the *Logansport Canal Telegraph*, and served as state librarian.¹⁴ It was a trail also followed by Dunn's contemporaries, George S. Cottman, founder of the *Indiana Magazine of History* and author of frequent historical articles for Indianapolis newspapers; Claude Bowers, Indianapolis journalist, orator, and diplomat; and Albert Beveridge, Republican United States senator. Nationally, Dunn's role as an amateur historian

involved in politics paralleled, but failed to match, the careers of men like Roosevelt and Woodrow Wilson.¹⁵

Dunn returned to Indianapolis in 1884, wiser in the ways of politics but faced with the problem of making a living. Although he resumed the practice of law, he found time to visit the Indiana State Library and its collection of government documents for the necessary material to complete *Massacres of the Mountains*. "He was among the first historians of this subject," noted one scholar of Dunn's life, "to base his narrative on government documents, which he used extensively."¹⁶ Impressed by the young historian's work, the publishing firm Houghton Mifflin asked him to write the Indiana volume for its *American Commonwealth* series, which resulted in the book *Indiana: A Redemption from Slavery* (1888). Through the years other historical publications flowed from Dunn's pen, including *Documents Relating to the French Settlements on the Wabash* (1894), the two-volume *Greater Indianapolis* (1910), and his five-volume state history *Indiana and Indianans* (1919).

Dunn was meticulous in conducting his research, adopting a hands-on approach. Karl Detzer, who grew up in Fort Wayne, Indiana, during the turn of the century, knew the historian as a friend of his mother. Detzer remembered Dunn as a "gentle, hulking, pipe-smoking seemingly very old man . . . who strained tremendously interesting conversation through a mustache of heroic proportions." The two often explored northeast Indiana for artifacts, and through Dunn

Detzer learned that history did not merely consist of facts printed in books, but instead consisted of "a swamp where your feet sank into deep Indiana muck; or a sandbar across a creek; or a trail winding through willow thickets to what looked like an ordinary low hump of earth; or a faint, narrow path zigzagging up to a high point where . . . you saw down below, not just the prosperous new red barns with their Mail Pouch Tobacco signs, but the glorious past that helped erect them."¹⁷

Also noting Dunn's thoroughness when it came to research was his daughter, Caroline. To her, her father always seemed to be "forever rushing around trying to see some old Indianapolis person before he died in order to get his recollections of early days."¹⁸ Jacob Dunn's great "intellectual curiosity," said his daughter, marked him for life a person who is "always reaching for a dictionary or encyclopedia, trying to identify a new flower . . . or running down some historical item!"¹⁹ Calling Dunn a "delightful father," Caroline Dunn also remembered that he often took his daughters and other children in the neighborhood with him for walks in the country, where he indulged in his hobby of mushroom collecting, never returning home without filling a couple of sacks full of the fungi. For his extensive studies on the language of the Miami Indians, Caroline Dunn noted, her father made a number of trips to Oklahoma to talk to members of the tribe and also consulted with Miami interpreters still in Indiana.

"Meanings and derivations, grammar and changes in word forms, had for him the fascination of a puzzle or problem to be worked out," she observed. Her father also was "keenly aware of the need of preserving a record of the Indian languages before they should be lost through disuse."²⁰

Dunn's interest in history, he acknowledged, had been held through the years "chiefly by the detective problems it presents--the puzzles, great and small, that confront the historical student on all sides." If he were to teach a class in historical research he would instruct his students to follow the maxim set by Monsieur Lecog, a detective in a French mystery series: "In any mysterious case, suspect what seems probable; examine carefully what seems improbable, or even impossible." Dunn went on to counsel his would-be students that if there is "a single fact, of which you are absolutely certain, which is inconsistent with your theory, there must be something wrong with the theory." The one, constant factor in human history, no matter what nationality or time period, according to Dunn, was human nature. He went on to say:

The things that are subject to change are manners, customs, knowledge, beliefs, moral standards, and the like. Hence, be cautious about applying the standards of today to other ages. Put yourself as nearly as possible in the place of the characters you are studying, and estimate probabilities from their point of view.²¹

His relentless quest to seek out knowledge and impart it to others could be more than a little exasperating to Dunn's colleagues. David Laurance Chambers, president of the

Indianapolis publishing firm Bobbs-Merrill, and like Dunn a member of the Indianapolis Literary Club, remembered one occasion when the Hoosier historian thoroughly puzzled famed novelist Henry James. According to Chambers, during a visit to Indianapolis James was the guest of honor at a special luncheon at the University Club "where he [James] was expected to do all the talking. But Jake Dunn took over and Henry didn't have a chance. Jake expatiated on his experiences while paying his way through college." After the luncheon, James turned to Chambers and asked: "Who was the extraordinary fellah who had been a waiter?"²²

Finding documents and other materials on which to base his historical work proved to be a struggle for Dunn, especially when he attempted to gain access to archives in the East. Hearing about a large collection of documents relating to the Northwest Territory located in the State Department in Washington, D.C., Dunn, during Democratic President Grover Cleveland's first term in office, used his friendship with Indiana Senator Joseph E. McDonald, in whose law firm he had worked and who knew Secretary of State Thomas Francis Bayard, to secure permission to examine the material. "Notwithstanding my formidable introduction, I came near having to fight for everything I got," said Dunn. It seems that the librarian assisting Dunn was a "scion of a notable New England family." The librarian insisted on watching the Hoosier historian "like a hawk; and the way he glared at me when, on being informed that they did not have

something I wanted, I insisted in looking for myself--which I had discovered was the only way of making sure of anything at Washington--was literally and truly fierce."²³

Dunn also had trouble in pursuing his historical research back home in Indiana. In his investigations he came across a comatose organization, the Indiana Historical Society. Appalled by the difficulty in obtaining state records, and the lack of care accorded to those materials already in hand, Dunn joined with two other men, William H. English, Democratic nominee for vice president in 1880, and Republican judge Daniel Wait Howe, both respected amateur historians in their own right, to reorganize the Society, which had been in existence since 1830. Dunn became the IHS's recording secretary in 1886; he continued in that post, and remained active in other Society matters, until his death in 1924. Dunn had distinct ideas on the qualities he wanted in a Society member. While it had once offered membership to all, the Society in its new incarnation became an elite organization, with members elected by secret ballot and requiring a three-fourths majority. Dunn's work on behalf of the Society, however, came without financial emoluments, so he had to look elsewhere to support himself.²⁴

In 1888 Dunn became head of the Democratic State Central Committee's literary bureau, essentially offering his considerable writing skills to the party. His efforts in the election caught the eye of the *New York Times*, which

called Dunn "one of the leading young Democrats of the State, and but for the quiet tastes which lead him into literary work he might aspire to higher honors."²⁵ This was the beginning of his long career as a "political man of letters," who earned his living as "a professional Democrat."²⁶ Dunn was elected state librarian (the only state position in history available in those days before there was a state archives or Indiana Historical Bureau) by the Indiana legislature in 1889 and 1891, served on the Indiana Public Library Commission for twenty years, was Indianapolis city controller for two terms (1904 to 1906 and 1914 to 1916), and served as chief deputy to Marion County Treasurer Frank P. Fishback from 1910 to 1912. While serving in these posts, Dunn contributed to a number of Indianapolis newspapers. He wrote and served as editor for a time at the *Indianapolis Sentinel*, and produced articles for the *Indianapolis Journal*, *Indianapolis News*, *Indianapolis Star*, and *Indianapolis Times*. He found time on 23 November 1892 to marry, when he wed Charlotte Elliott Jones, daughter of Aquilla and Flora (Elliott) Jones. In 1902 Dunn made his only attempt at a major elective office when he ran a losing race against Republican incumbent Jesse Overstreet for Indiana's Seventh Congressional District.

Dunn aided the Democratic party the most through his journalistic career, which was largely spent writing for "party organs"--newspapers aligned with a particular political organization (in Dunn's case, the Democratic

Indianapolis Sentinel). Fellow newspaper veteran and future Washington correspondent and congressman Louis Ludlow recalled that at the *Sentinel* office there existed one overriding dictate for guiding the staff: "Never err against the Democratic Party." Conversely, he continued, it was a matter of course that if "there was any erring to be done it should be done against the Republican Party."²⁷ Claude Bowers, a Democrat and self-trained Hoosier historian in his own right, also worked on the *Sentinel* for a time. He said that the news stories contained in the partisan press, "while colored, deceived no one. With papers representing both parties, the public had the advantage of a debate, so important in a democracy."²⁸

In championing the Democrat party's interests, however, Dunn kept intact his strong belief in the power of honest government. When one Democratic official wrote that the *Sentinel*, through Dunn's editorials, had been too hard on the party, Dunn responded by lecturing his critic like a teacher correcting a wayward student. He wrote:

The worst enemy to any party is the man elected to office who violates the party pledges and brings on the party the disgrace and humiliation of obtaining goods under false pretenses. The betrayed party ought to be the first to demand his punishment. The people are interested in good government more than in party success, and if a party wants success it must give the people good government. There is nothing to be gained by attempting to whitewash guilty or incompetent officials. The people are not fools. The democratic party in Indiana never prospered as it has since it inaugurated the policy of punishing its own rascals.²⁹

The Democratic reformer would have his chance to put to the test the power of his convictions following the

presidential election of 1888, which pitted Indiana's own Benjamin Harrison as the GOP candidate against incumbent Democrat Grover Cleveland. The election, won by Harrison thanks in part to carrying his home state, featured the usual corruption as each party scrambled to sway voters to its cause using all means, fair and foul. The motto of both major parties, *Century Magazine* said, seemed to be that "if we don't buy all the votes we can, our opponents will buy enough to carry the election, and that will never do. We must fight their corruption with greater corruption, because our own cause is so much purer and nobler and more patriotic than theirs."³⁰ These abuses, which had been accepted as a matter of course by Hoosiers in the past, were so flagrant that the public demanded reform. Dunn saw his opportunity and he took full advantage of his chance to finally cleanse the nineteenth state's squalid ballot box.

NOTES TO CHAPTER I

¹ "Jacob Piatt Dunn Funeral to be Held Monday," *Indianapolis News*, 7 June 1924.

² "Jacob Piatt Dunn, Senior," Citizens Historical Association, Newspaper Clipping File, Indiana Division, Indiana State Library, Indianapolis.

³ Jacob Piatt Dunn Papers, Indiana Historical Society, Indianapolis. Dunn remained a highly religious man throughout his life. In 1914 he published a book that included an essay on "The Passing of Darwinism." The piece attacked Charles Darwin's theory of evolution as "the most tremendous air-bubble of all the ages." He confidently states that Darwin's ideas on natural selection "stand today seriously discredited in the biological world." Dunn, *The Unknown God and Other Orthodox Essays* (Indianapolis: Sentinel Printing Co., 1914), 98, 109.

⁴ *Year Book of the Society of Indiana Pioneers*, 1922 (n.p., 1922), 10.

⁵ Ibid.

⁶ Robert M. Crunden, *Ministers of Reform: The Progressives' Achievement in American Civilization, 1889-1920* (New York: Basic Books, Inc., 1982), ix.

⁷ Newspaper clipping in bound scrapbook, Dunn Papers, Indiana Historical Society.

⁸ Ibid.

⁹ For information on Dunn's life, see Ray Boomhower, "'To Secure Honest Elections': Jacob Piatt Dunn, Jr., and the Reform of Indiana's Ballot," *Indiana Magazine of History* 90 (December 1994): 311-345; Caroline Dunn, *Jacob Piatt Dunn; Jacob Piatt Dunn, Greater Indianapolis*, 2: 1255-57, and *Indiana and Indianans: A History of Aboriginal and Territorial Indiana and the Century of Statehood*, 5 vols. (Chicago and New York: The American Historical Society, 1919), 5: 2289-90; Lana Ruegamer, *A History of the Indiana Historical Society, 1830-1980* (Indianapolis: Indiana Historical Society, 1980), chapters 3 and 4; Ruegamer, "History Politics, and the Active Life: Jacob Piatt Dunn, Progressive Historian," *Indiana Magazine of History* 81 (September 1985): 265-83; "Jacob Piatt Dunn," *Indiana History Bulletin* 1 (August 1924): 119-20; and "Jacob Piatt Dunn Funeral to be Held Monday," *Indianapolis News*, 7 June 1924.

¹⁰Theodore Roosevelt to Jacob Piatt Dunn, 22 April 1888, Dunn Papers, Indiana Historical Society. By 1900, however, with the publication of the second volume of his *The Winning of the West*, Roosevelt had forgotten his earlier praise. He lambasted Dunn for describing George Rogers Clark as the "Hannibal of the West." Roosevelt claimed that "small western historians" like Dunn damaged Clark's reputation "by the absurd inflation of their language." Dunn defended himself in his multivolume history of Indiana, *Indiana and Indianans*. See Ruegamer, "History, Politics, and the Active Life," 276-77.

¹¹Woodburn, *The Indiana Historical Society*, 24.

¹²Jacob Piatt Dunn, *The Omitted Paper: Municipal Financial Pressure, An Address before the Second Annual Conference on Taxation in Indiana*, by J. P. Dunn, City Controller of Indianapolis (Indianapolis: Premier Printing Co., 1914), 8.

¹³Richard Hofstadter, *The Progressive Historians: Turner, Beard, Parrington* (New York: Alfred A. Knopf, 1968), 11.

¹⁴For information on Dillon's life, see George S. Cottman, "John Brown Dillon: The Father of Indiana History," *Indiana Magazine of History* 1 (First Quarter 1905):3-8, and Ray Boomhower, "The Father of Indiana History and the Devil's Lake Monster," *Traces of Indiana and Midwestern History* 4 (Winter 1992):38-45.

¹⁵Ruegamer, "History, Politics, and the Active Life," 265.

¹⁶*Ibid.*, 266-67.

¹⁷Karl Detzer, *Myself When Young* (New York: Funk & Wagnalls, 1968), 9.

¹⁸"Meticulous and Insatiable, He Preserved a Proud Era of the Past," *Indianapolis Star*, 20 August 1954.

¹⁹Caroline Dunn, *Jacob Piatt Dunn*, 34-35.

²⁰"Jacob Dunn Was Man of Many Talents," *Reading in Indianapolis* [a publication of the Indianapolis-Marion County Public Library], 1 January 1977. See also, Caroline Dunn, *Jacob Piatt Dunn*, 34-35.

²¹Jacob Piatt Dunn, "An Historical Detective Story," *Proceedings of the Mississippi Valley Historical Association . . . for the Year 1919-1920* (Cedar Rapids, Iowa: Torch Press, 1921), Vol. X, Part II, 256-58. Dunn also urged young students of history to not abandon what he called "'knotty problems.'" Although there existed the possibility that one

would never find the solution, Dunn believed that by making a practice of saving puzzling questions for later study, "you are almost sure to find the solution of some of them; and if you do, you will have the material for a good historical story." Ibid., 258.

²² David Laurance Chambers to Samuel Duff McCoy, n.d., Samuel Duff McCoy Papers, Lilly Library, Indiana University, Bloomington, Indiana. In the letter, Chambers went on to complain that Dunn would often "gas at length at every meeting of the Literary Club but never by remotest chance on the subject of the paper. Generally he would get around to the Miami of Indiana; he knew a lot about the Injuns." Ibid.

²³ Dunn, "An Historical Detective Story," 248.

²⁴ Ruegamer, *A History of the Indiana Historical Society*, 83-86.

²⁵ "Indiana's Warm Politics," *New York Times*, 24 November 1889.

²⁶ Ruegamer, "History, Politics, and the Active Life," 272.

²⁷ Louis Ludlow, *From Cornfield to Press Gallery: Adventures and Reminiscences of a Veteran Washington Correspondent* (Washington, D.C.: W. F. Roberts Co., 1924), 96.

²⁸ Claude Bowers, *My Life: The Memoirs of Claude Bowers* (New York: Simon and Schuster, 1962), 40. The person who interviewed Bowers for his job as an editorial writer at the *Sentinel* was Dunn who, according to Bowers, had been looking "to find a substitute to permit of his occasional meandering in the woods beside a stream with hook and line." Ibid.

²⁹ Editorial, *Indianapolis Sentinel*, 24 May 1894.

³⁰ See Charlotte Ethel Bruce, "A Review of Indiana Election Laws, 1889-1935" (M.A. thesis, Butler University, 1935), 1.

CHAPTER II

*The Presidential Election of 1888 and the Australian Ballot
Issue in Indiana*

Voting in Indiana during the late nineteenth century was a simple matter. Under the state's election laws political parties, not state officials, printed and furnished ballots to voters. The only state law regarding ballots required that they be printed on plain white paper three inches wide.¹ The practice of allowing political organizations to furnish ballots, a common one throughout the country in the 1880s, made it easy to bribe a class of voter known as a "floater," a person with no fixed party allegiance who sold his franchise to the highest bidder, be it Democrat or Republican. Party workers could buy these votes for as little as \$2 or as high as \$20 in tight elections.² These workers could ensure that once a floater was bought, he stayed bought, because, according to Eldon Cobb Evans's history of the Australian voting system in the United States, they were "permitted to have full view of the voter's ticket from the time it was given him until it was dropped in the ballot box."³

The number of floating votes in Indiana was estimated to have been ten thousand in the 1880 election, but as high as twenty thousand in 1888.⁴ Indiana University Professor R.

H. Dabney, in a letter to *The Nation*, went as far as to assert that the floating vote in Indiana during the 1888 election reached as high as thirty thousand. He told of one Bloomington resident who attempted to buy butter on election day but was told by a storekeeper that none was available--it had all been bought the day before to "butter sandwiches for floaters--for it would seem that even the Hoosier floater cannot live by free whiskey alone."⁵

Hoosier party workers went to unusual lengths to capture the floating vote. Thomas Marshall, Indiana governor and vice president, noted in his memoirs that it was not unusual to "corral what was known as the floating vote, fill it full of redeye, lock it up the night before the election and march it to the polls early the next morning." A veteran poll watcher, Marshall knew of one Republican who planned to keep a floater in his room all night to guarantee that he voted the GOP ticket the next day. An enterprising Democrat, however, set fire to a nearby woodshed and cried out that the Republican's store was on fire. When his opponent ran off to make sure his business was safe, Marshall said, "the Democrat stole his chattel."⁶

Attempts by both parties to capture the floating vote played a key role in the 1888 presidential contest in Indiana. In spite of Benjamin Harrison's favorite son status, the state was still up for grabs with both sides maneuvering desperately to win. The *Indianapolis Journal* reported in a 2 November 1888 editorial that it was the

floating vote "that the machinery and work of the contending parties are designed to influence . . . and nobody but a ninny-hammer would dream of anything else."⁷ Walter Q. Gresham, who had battled Harrison for the Republican presidential nomination, was informed by Chicago attorney Robert T. Lincoln that W. H. H. Miller, Harrison's law partner, and Harrison's son, Russell, had visited him and asked for money to use for bribing Indiana voters. "The purchase of votes," Gresham wrote Noble Butler, "is carried on by both parties with little effort at concealment. If the thing goes on unchecked a catastrophe is inevitable. What is to become of us?"⁸

With Cleveland and Harrison running neck and neck, the Republican campaign in Indiana and throughout the country was rocked by the uncovering of the infamous "blocks of five" letter from William Dudley, a Hoosier Civil War veteran who served as GOP national committee treasurer in the 1888 election. In the letter, which was sent to Indiana Republican county chairmen, Dudley warned that "only boodle and fraudulent votes and false counting of returns can beat us in the State [Indiana]." To counter this threat, he advised GOP workers to find out what Democrats at the polls were responsible for bribing voters and steer committed Democratic supporters to them, thereby exhausting the opposition's cash stockpile. The most damaging part of the letter, however, appeared in a sentence that became synonymous with political corruption. Dudley advised:

"Divide the floaters into blocks of five, and put a trusted man, with necessary funds, in charge of these five, and make them responsible that none get away."⁹

GOP officials in Indiana took Dudley's counsel to heart. J. W. Jenks, who covered the 1888 presidential election for *Century Magazine*, reported that in one Hoosier county the chairman of the Republican committee discovered on the day before the election that his party and the Democrats had about the same money available to use to influence voters at the polls, approximately two or three thousand dollars. Expecting a tight contest, the chairman leaked word to influential Republicans that the Democrats had raised six thousand dollars. Summoning three wealthy GOP members to a meeting, an additional three thousand dollars was collected. "The next day [election day] the Republicans were in position to offer \$40 a vote at the opening of the polls," Jenks wrote. "By ten o'clock the Democratic money was gone, and after that the Republicans could buy votes at their own price."¹⁰

This political dynamite in Dudley's letter managed to find its way to the opposition camp, albeit with a little help. A Democratic mail clerk on the Ohio & Mississippi Railroad, suspicious about the large amount of mail being passed from GOP headquarters to Indiana Republicans, opened one of the letters, recognized its value to his party, and passed the damaging contents on to the Indiana Democratic State Central Committee chairman. The letter was printed in

the *Indianapolis Sentinel* on 31 October 1888 under a banner headline reading "The Plot to Buy Indiana." Although an indignant Dudley and other top Republican officials declared that the letter was a forgery--and later claimed, correctly, that someone had been opening their mail--its contents received nationwide attention. The letter's revelations about political underhandedness, however, came too late to derail Harrison's campaign. The Hoosier Republican eked out a 2,300 vote plurality in Indiana. Cleveland won the nationwide popular vote, but Harrison handily captured the Electoral College (233-168) and with that victory became president.¹¹

After the election Harrison seemed blissfully unaware that political shenanigans might have played a role in his election. He told Senator Matt Quay of Pennsylvania, GOP national chairman, that "Providence has given us victory." Quay, a veteran politico who considered the new president a "political tenderfoot," was unmoved by Harrison's oratory. He later exclaimed to a Philadelphia journalist: "Think of the man! He ought to know that Providence hadn't a damn thing to do with it!" The president, Quay said, might "never know how close a number of men were compelled to approach the gates of the penitentiary to make him President."¹²

Meanwhile, the aftershock from Dudley's letter reverberated throughout the Hoosier state. Dunn, at that time in charge of literary work for the Democratic State Central Committee and *Sentinel* editor, saw in the continued

furor about the Dudley letter an opportunity to "stop the atrocious corruption in Indiana elections" by supporting the establishment of a secret ballot based on a method first developed in Australia in the 1850s.¹³

The Australian ballot system (also known as the "official" ballot), which was passed into law in that country in 1857-58, was a relatively new and novel way for Americans to vote. The first secret ballot law in the United States had been adopted for the city of Louisville, Kentucky, just nine months prior to the 1888 election. Massachusetts became the first state to approve the system shortly after Louisville enacted its law. The Australian voting method was easy to understand; the government became responsible for printing and distributing ballots to voters and each polling place had to provide a way for voters to mark their ballots in secret. Reformers argued that this method of exercising suffrage would help eliminate vote buying "by removing the knowledge of whether it had been successful."¹⁴

Hoping to see the Australian system introduced in Indiana, Dunn, as part of his campaign on behalf of the new voting method, called on Lafayette P. Custer, an Indianapolis labor leader, and, according to Dunn, the only man he could find in the entire city of Indianapolis able to write intelligently on the election reform issue. In an article for the *Sentinel*, Custer outlined the six main features of the Australian system: printing and distributing

the ballots at public expense; enabling a voter to mark his ballot in secrecy; regulating the methods used to select candidates; defining bribery; defining "undue influence" upon voters; and limiting the amount a candidate could spend on an election. The floating vote, Custer predicted, would continue to increase each year under the present ballot system in Indiana since it allowed "the landlord, money lord and corporate wealth generally to levy tribute on the masses." If some way was not found to limit the influence of political managers, Custer continued, "we might as well call free government a farce." Noting those critics who argued that bribery could still exist even under the Australian system, the labor leader answered them by pointing out that "the briber would not trust a voter who would be guilty of selling his vote. A man could sell his vote to a dozen men if buyers could be found and after all vote his own sentiments and no one be the wiser."¹⁵

Custer's article, with Dunn's editorial endorsement, appeared in the *Sentinel* on 19 November 1888. The Democratic newspaper continued to beat the drum on behalf of election reform as the 1889 Indiana legislative session neared. The reform effort had an immediate impact. In a manner that foreshadowed his work on a new Indiana constitution in 1911, Dunn placed his imprint on the Australian ballot issue. After a meeting with outgoing Democratic Governor Isaac P. Gray, and subsequent sessions that included input from

several legislators, the historian wrote an Australian ballot bill for consideration by the General Assembly.¹⁶

Dunn's attempt at election reform benefited from the simple fact that the 1889 legislature was dominated by one party; the Democrats controlled both the House and Senate. But even newly elected Republican Governor Alvin P. Hovey called for action to transform the state's corrupt election voting process. In his inaugural address to the lawmakers on 14 January 1889, Hovey admitted that the ballot in Indiana, and in many other states, had been debased. He leveled blame at both political parties, noting that the situation was so bad that "in the eyes of many respectable men, it [bribing voters] seems to be no longer regarded as a crime." The governor recommended to the legislators that the state's election laws be revised and even offered a proposal whereby every elected official would be required in his oath of office to swear that he had "not directly or indirectly given, promised, advanced, or paid any money, or given or conveyed any other article of value to any person or persons to aid, assist, or procure his election or appointment."¹⁷

Even with the GOP governor's plea for reform, Dunn, as he had with his editorials for the *Sentinel*, had trouble convincing his fellow Democrats to support a measure to revise the existing voting system. He recalled that one longtime party official "insisted to the last that he preferred the old system, 'so that he could take a floater back of the schoolhouse, and mark his ticket for him.'" What

emerged from the General Assembly was the second secret ballot law ever passed by a state and one that became a model for other states to follow. Commenting on the law, Dunn noted that it was a modified version of a proposal originally made by a New York reform organization. One merit of Indiana's version, according to Dunn, was that each party could check on the doings of the other, as Democrats and Republicans had equal representation on election boards. Under the new system the state, no longer the political parties, furnished the ballots for use on election day. Unlike other versions of the Australian system, however, the Hoosier law reflected the strong party loyalties in the state by featuring a "party-column" ballot, which listed the nominees with their political party affiliations, giving voters the opportunity to mark a straight-ticket vote.¹⁸

As he acknowledged after the bill's passage, Dunn pushed for the Australian ballot system not only because he wanted to cleanse the corrupt system that was in place in the state, but also for less altruistic politically motivated reasons. Honest elections were needed, he argued, because his party could not successfully compete with the GOP's "election rascality" since the Democratic party, because of its support for tariff reduction, faced continuous opposition from "the capitalist element . . . and it [business] furnished the funds [to the GOP] for vote buying."¹⁹ He also charged that with the Republican control of the federal court system through their party's patronage

power, court officials were more inclined to "punish Democratic scoundrels and release Republican scoundrels."²⁰ With those "facts" in mind, Dunn reasoned that the best hope for Democratic success at the polls was to have "intelligent and honest voters, and not . . . ignorant and corrupt ones." For the Democratic party to flourish, he continued, "honesty is the best policy from political as well as **other** considerations."²¹

Instituting the modified Australian ballot system in Indiana--and in the thirty-seven other states that passed similar laws by 1892--failed to completely stop corruption at the ballot box, a fact its proponents freely admitted. It did, however, provide an essential initial step in helping secure honest elections for Indiana and other states. In a 2 January 1890 editorial, the *Indianapolis News* lavished praise on the Democrats for what it called a "magnificent reform." Referring to the Hoosier state's previous reputation for notoriously corrupt elections, the *News* said that "nothing of late years had done more for the State's good name than the fact of this law."²² Voters could now make their election choices in private, eliminating, as one scholar described it, the "intimidating party aura" that had existed under the old voting system.²³

To Dunn's way of thinking, however, the Australian ballot system constituted an incomplete reform. Along with the new voting arrangement, the legislature had passed a bribery law that Dunn claimed made the 1890, 1892, and 1894

elections "the cleanest that had been known in Indiana for years." The bribery law's effectiveness was emasculated by subsequent Republican legislation, according to Dunn. Consequently, although the Australian system secured orderly elections with diminished chances for voter intimidation, he said it fell short of eliminating vote buying outright. What was needed, Dunn argued, were voting laws "based on educational qualifications, and all suffrage conditioned on payment of taxes."²⁴

Dunn's hope for continued improvement of Indiana's ballot--and success for the Democratic party come election time--endured a long fallow period. With the end of Claude Matthew's term in 1897, twelve years passed before a Democrat again sat in the governor's chair. In 1909, however, the Democrats days of wandering in the political wilderness ended as a man Dunn termed the "ablest" Democratic governor since Thomas Hendricks took over the office.²⁵ In Thomas Riley Marshall, Dunn found a Democratic politician willing to go along with his quest to secure an honest and intelligent electorate. Before continuing that crusade, however, Dunn became involved in a reform effort that took root in Indianapolis's muddy streets--a new city charter.

NOTES TO CHAPTER II

¹Anna Marie Sander, "A Review of the Election Laws in the State of Indiana From 1787 to 1890" (M.A. thesis, Butler University, 1933), 31.

²Matthew Josephson, *The Politicos, 1865-1896* (New York: Harcourt, Brace and Co., 1938), 432.

³Eldon Cobb Evans, *A History of the Australian Ballot System in the United States* (Chicago: University of Chicago Press, 1917), 11. Nineteenth-century elections were often a popular spectator sport with wide community involvement. Speeches and rallies drew thousands of spectators and the parties produced reams of literature touting their candidates. Jonathan P. Dolliver of Iowa spoke for many of that time when he noted: "The man who, having the right to vote, is too lazy or too high-toned to mingle with his fellow citizens at the polls is the merest ape and echo of a citizen." See Lewis L. Gould, *Reform and Regulation: American Politics, 1900-1916* (New York: John Wiley & Sons, 1978), 3-4.

⁴Josephson, *The Politicos*, 430.

⁵Correspondence, *The Nation*, 22 November 1888, p. 412.

⁶Thomas Riley Marshall, *Recollections of Thomas R. Marshall, Vice President and Hoosier Philosopher: A Hoosier Salad* (Indianapolis: Bobbs-Merrill Co., 1925), 139-40.

⁷Editorial, *Indianapolis Journal*, 2 November 1888.

⁸Charles W. Calhoun, *Gilded Age Cato: The Life of Walter Q. Gresham* (Lexington, Ky.: The University Press of Kentucky, 1988), 103-4.

⁹"The Plot to Buy Indiana," *Indianapolis Sentinel*, 31 October 1888. See also Roger A. Fischer, "'Blocks of Five' Dudley, Cartoon Celebrity," *Indiana Magazine of History* 87 (December 1991): 334-47.

¹⁰Bruce, "A Review of Indiana Election Laws," 3-4.

¹¹The role vote fraud played in electing Harrison, and ballot box corruption in general during the Gilded Age, has been a subject of much scholarly debate over the years. Corruption, according to Eugene Roseboom, was the "deciding factor" in Harrison's Indiana win. In his biography of Grover Cleveland, Allan Nevins blames the incumbent's defeat on the bribing of voters in Indiana and New York. H. Wayne Morgan, however, claimed that both Democrats and Republicans

used bribes to sway voters in the election and "probably canceled each other's efforts." For further discussion on vote buying's role in the 1888 election, see R. C. Buley, "The Campaign of 1888 in Indiana," *Indiana Magazine of History* 10 (June 1914): 30-53; Richard Jensen, *The Winning of the Midwest: Social and Political Conflict, 1888-1896* (Chicago: The University of Chicago Press, 1971), 27-29; H. Wayne Morgan, *From Hayes to McKinley: National Party Politics, 1877-1896* (Syracuse, N.Y.: Syracuse University Press, 1969), 310-12; John E. McDaniel, Jr., "The Presidential Election of 1888" (Ph.D. diss., The University of Texas at Austin, 1970), 195; Allan Nevins, *Grover Cleveland: A Study in Courage* (New York: Dodd, Mead & Co., 1933), 437; and Eugene Roseboom, *A History of Presidential Elections* (New York: The Macmillan Co., 1957), 282-83. For a comprehensive review of election fraud during this era, see Peter H. Argersinger, "New Perspectives on Election Fraud in the Gilded Age," *Political Science Quarterly* 100 (Winter 1985-86): 669-87.

¹² James A. Kehl, *Boss Rule in the Gilded Age: Matt Quay of Pennsylvania* (Pittsburgh: University of Pittsburgh Press, 1981), 116-17. Harrison and other nineteenth-century politicians had what Robert H. Wiebe has called a "segmented morality," with different parts of their lives occupying different positions and each judged accordingly. This enabled a knowledgeable politician like Harrison, said Wiebe, to disregard the "unsavory tactics" that won him the presidency and still be able to walk "in the light as God's humble servants." See Robert H. Wiebe, *The Search for Order, 1877-1920* (New York: Hill and Wang, 1967), 40.

¹³ Dunn, *Indiana and Indianans*, 2:744.

¹⁴ Evans, *A History of the Australian Ballot System*, 21. See also L. E. Fredman, *The Australian Ballot: The Story of an American Reform* (East Lansing, Mich.: Michigan State University Press, 1968). For Indiana's experience with the Australian system, see Robert LaFollette, "The Adoption of the Australian Ballot in Indiana," *Indiana Magazine of History* 24 (June 1928): 105-20.

¹⁵ "The Australian System," *Indianapolis Sentinel*, 19 November 1888.

¹⁶ Dunn, *Indiana and Indianans*, 2:746.

¹⁷ *Indiana House Journal* (1889), 63, 65.

¹⁸ Phillips, *Indiana in Transition*, 30. See also Justin E. Walsh, *The Centennial History of the Indiana General Assembly, 1816-1978* (Indianapolis: The Select Committee on

the Centennial History of the Indiana General Assembly, in cooperation with the Indiana Historical Bureau, 1987), 228-29.

¹⁹ Dunn, *Indiana and Indianans*, 2:745. According to David Sarasohn, Democratic reform efforts in the late nineteenth and early twentieth centuries often were marked by a "healthy dose of self-interest," particularly when it involved the party's "unvarying scarcity of funds" as compared with the GOP (i.e., Democrat support for full disclosure of campaign contributions). See David Sarasohn, *The Party of Reform: Democrats in the Progressive Era* (Jackson, Miss.: University Press of Mississippi, 1989), xi-xii.

²⁰ Dunn, *Greater Indianapolis*, 1:307.

²¹ "Suggests a Way to Amend Constitution," *Indianapolis News*, 21 December 1908, Dunn Papers, Indiana Historical Society, Indianapolis [emphasis added].

²² Editorial, *Indianapolis News*, 2 January 1890.

²³ Jerrold G. Rusk, "The Effect of the Australian Ballot Reform on Split Ticket Voting: 1876-1908," *American Political Science Review* 64 (December 1970): 1221.

²⁴ Dunn, *Greater Indianapolis*, 1:307-8.

²⁵ Dunn, *Indiana and Indianans*, 2:769.

CHAPTER III

Dunn and the 1891 Indianapolis City Charter

Indianapolis in the last half of the nineteenth century was a bustling, thriving city. Just seventy years after commissioners appointed by the Indiana General Assembly convened at John McCormick's tavern and agreed on a site for a new state capital at the confluence of the West Fork of the White River and Fall Creek, the population of the central Indiana city had surpassed one hundred thousand--a growth rate surpassing even that of Los Angeles's first seventy years.¹ For entertainment, citizens took the streetcar to Fairview Park, located northwest of the city, or were treated to performances by such great names as the Barrymores, Lilly Langtry, and Sarah Bernhardt at the English Opera House or the Park Theater. For refreshment before or after a performance, residents of the Circle City could visit numerous German beer gardens and saloons. Business and industry also prospered. The *Indianapolis Herald* reported that in 1888 the city contained 892 factories producing an annual product of \$49,000,000 and supported 1,416 retail stores and 398 wholesale houses.²

Beneath the feet of busy Indianapolis pedestrians lurked a problem; the streets used for travel and commerce were often in appalling condition. The level surface and

rich soil that had attracted the state commissioners to pick Indianapolis as the site for the new capital were perfect for agricultural purposes, noted Dunn, but they "were serious drawbacks in the drainage and street construction of a city." Streets were generally paved with boulders or cobblestones, which created a bumpy ride for vehicles and dangers for pedestrians--the uneven surface collected water and other, more foul, substances deposited by horse-drawn wagons and carriages that often splashed unsuspecting passersby.³

A few attempts were made by the city government to improve the quality of Indianapolis's roadways, but most of the changes were hardly better than what had existed before. Cedar blocks were used to pave Meridian Street between New York and Seventh (now Sixteenth Street) street in 1882, but the blocks soon fell into disrepair. Six years later, the city tried again. Washington Street from Mississippi (now Senate Avenue) to Alabama streets was paved with an asphalt material known as Vulcanite at a cost of \$74,488.68. A satisfactory enough surface in cold weather, the paving turned into the consistency of chewing gum in hot weather, causing Indianapolis citizens to nickname it "'the Yucatan pavement.'"⁴

Although failures, Dunn noted that these efforts were helpful in that they educated "intelligent people to the importance of some adequate authority to take charge of public improvements." The 1889 Indiana General Assembly took

the first step toward solving the problem by passing a bill establishing a Board of Public Works for Indianapolis. This "excellent measure," said Dunn, had only one problem. The bill provided that members of the first board would be elected by the General Assembly (Democratic in this instance); their successors would be appointed by the Indianapolis mayor (a Republican at the time). Republican Mayor Caleb Denny refused to approve the bonds of both the members of this first Board of Works and those of a police and fire department board also approved by the legislature. "This left matters, at the close of 1889, where they were at the beginning," Dunn said.⁵

Two actions, however, helped to pave the way for improved Indianapolis streets. At the 1889 session of the General Assembly, Senator James M. Barrett of Allen County, who also engineered the passage of the Australian ballot reform measure through the legislature, introduced a measure that made it easier for property owners to pay for improvements over a ten-year period through the issuance of bonds. The Barrett Law, as it became known, not only promoted public improvements in Indiana's cities and towns but also was used as a model in other states. In Indianapolis alone from 1890 to 1909, a total of \$5,546,061.89 in these Barrett Law bonds were issued. According to Dunn, the new law "reconciled hundreds of men to the policy of public improvements on an extensive scale--a scale that would have created intolerable burdens if the

expense had been obliged to be met in full on the completion of the work, as it was before."⁶

The second step to enhancing the capital city's roadways, and revising the way in which it was governed, came in 1890 with the creation of the Commercial Club, the forerunner of today's Indianapolis Chamber of Commerce. The brainchild of *Indianapolis News* reporter William Fortune and pharmaceutical entrepreneur Colonel Eli Lilly, the Commercial Club was organized in February 1890 "to promote the commercial and manufacturing interests and the general welfare of Indianapolis and vicinity." The organization immediately set out to heighten the public's awareness of the need to improve the city's avenues by sponsoring a Street Paving Exposition in April at Tomlinson Hall where paving companies from throughout the country exhibited their wares. Approximately twelve thousand people attended the four-day exposition, the first of its kind in the nation.⁷

Changing the character of Indianapolis's streets, however, was dependent upon revising another aspect of the city--its government. Indianapolis, like many growing urban centers during the late nineteenth and early twentieth centuries, discovered that it required a "more effective, positive city administration that could tackle community affairs and draw for support upon a sense of common concern for mutual problems," noted Samuel P. Hays in his study of the American urban scene from 1885 to 1914. Business leaders and reformers across the country, Hays argues, worked

together to establish in city governments "clearer lines of authority and to increase the mayor's power to appoint his subordinates and to initiate policy."⁸ To accomplish this task the Commercial Club and its allies, which included Dunn, set about to alter the now-antiquated Indianapolis city charter.

The Charter of 1853, which had been passed by the General Assembly following the adoption of the 1851 Indiana Constitution and applied to all cities with populations of three thousand or more, placed control of the municipality in the hands of the city council. The council had the power to levy taxes, annex property, appoint city officials, and pass ordinances for governing the city. Under this system the mayor enjoyed little authority, serving merely as the president of the board of councilmen and also served as police court judge.

On 10 March 1890 the Commercial Club sponsored a meeting at the Indianapolis Board of Trade Hall devoted to the city charter. At that meeting, a resolution was passed calling on the Commercial Club's board of directors to appoint a committee whose job would be to "consider the matter of revising the laws governing the city, the formulation of new laws believed to be needed, and the embodiment of the same in a bill covering the entire subject of city government." The next day, the Club's board selected as members of the committee Augustus L. Mason, a local attorney; Samuel E. Morss, *Indianapolis Sentinel* publisher;

and Granville S. Wright, a city alderman. Joining these prominent men on the panel were Mayor Thomas L. Sullivan, Board of Aldermen President Isaac J. Thalman, and City Council Finance Committee Chairman William Wesley Woollen. Dunn noted that the committee had been organized on a nonpartisan basis, with Morss and Sullivan keeping the Democratic party abreast of developments, while Thalman and Wright did the same for the GOP.⁹

The group met in an office located at 90 1/2 East Market Street throughout the summer of 1890 with "tireless regularity," said Dunn, and without the use of "stimulants." After they had finished their work for the evening, he noted, the committee refreshed themselves not with alcoholic beverages, but with soft drinks. In preparing a new city charter, the committee used as a model two basic examples: Philadelphia's Bullitt Law, which authorized the mayor to appoint a board of public works and other officers, and the city charter of Brooklyn, which was constructed on the federal plan with a division of government into legislative, judicial, and executive branches.¹⁰

After ten months of effort, the committee issued a new city charter the main feature of which, according to Dunn, was the "entire separation of the executive, legislative and judicial functions, all administrative functions being transferred to the executive department." Most of the power behind city government now lay in the hands of the mayor. Under the new charter, the person in that office appointed

the board of public works, the board of public safety, the board of health, and the city engineer. These appointments did not have to be approved by the city council and the mayor could, at any time, remove from office those he appointed. "The mayor," said Dunn, "is really made the key-stone of the arch." This fact made it doubly important for the people to, as Dunn put it, "select the very best material in electing a mayor." Because the new charter lodged great power in city officials, he warned voters that Indianapolis's welfare depended "chiefly on the character of the officials selected"--an admonition that would come back to haunt Dunn later during his second stint as city controller.¹¹

Introduced before the Indiana General Assembly on 9 January 1891 as House Bill Number 44, the measure received a less than enthusiastic response from some members of the Marion County delegation in the General Assembly. At a meeting involving the Commercial Club committee, Indianapolis lawmakers, and other interested citizens (including Dunn) held at the State House on 22 January, General John Coburn, a former congressman and prominent local attorney, denigrated the bill as providing for "an absolute monarchy for the city of Indianapolis--the Mayor electing the sub-officers and not the people. I have not had an opportunity to carefully study it, but tonight, after coming into this room, I read some of its provisions, and I was amazed." After Coburn had finished his remarks, William

P. Fishback, who had spoken in favor of the new charter, turned to Dunn and whispered, "Just wait and see Gus skin him." Augustus L. (Gus) Mason did just that. "The General's theory of local self-government is a good one," acknowledged Mason, but it did not apply in this case because of his "ignorance of the bill in question" and "his absolute misstatements" regarding its provisions. Coburn later called Mason's remarks "beneath contempt."¹²

Although Dunn had intended to attend the meeting only as an "'innocent bystander,'" the reformer, once engaged, had to offer his suggestions on the matter. When asked for his opinion, Dunn said that he favored the measure but, because of the possibility of gerrymandering, he urged that the board of aldermen be elected on the general ticket by all of the city's voters. Also, Dunn noted that the board of public works had "unrestricted power in the matter of street improvements." With this in mind, he suggested that if a majority of property owners on a street "did not want a proposed improvement they should have the right of remonstrance."¹³

Both of Dunn's ideas influenced the final version of the bill (in which the board of alderman was eliminated), but his greatest contribution to the cause of the new Indianapolis charter arose from his political connections and his willingness to put aside partisan issues in favor of real reform for the city's government. During the debate on the new city charter, Dunn was serving as state librarian

and writing for the *Indianapolis Sentinel*. Utilizing the same detective skills that served him so well as a historian, he discovered that several people whom Morss trusted regarding the legislation were in fact ready to betray him. These people, members of Dunn's own party, had adopted the plan, according to Dunn in his history of Indianapolis, of allowing the charter to go through but of amending it by making the board of public works elective from three districts, one from the city north of Ohio Street and the other two south, divided by a north and south line. "It was supposed that this would insure two Democratic members, and the board of works was considered the one important thing in the whole system," Dunn said.

Forewarned, Morss prepared a "scorching editorial" denouncing the plan. Revulsion over the plot prompted the *Indianapolis News* to jump on the bandwagon and urge that the new charter be passed. "As a whole we believe the scheme to be the soundest and best that has ever been devised, and an imperative requisite for the good career and fair progress of Indianapolis," the *News* proclaimed. Along with bringing more supporters into the fray, Dunn said that exposing the plot stopped the "double-dealing with the *Sentinel*," leaving the friends of the charter with "an open field, and their enemies all in front of them."¹⁴

The new charter made its way rather easily through the Indiana House with only minor amendments, passing by a vote of 65 to 13 on 16 February 1891. The measure faced a tougher

battle, however, in the Senate, where it encountered, said Dunn, the one man in the General Assembly who opposed the measure "as a matter of disinterested principle"--Frank B. Burke, a Democrat from Clark County. The pragmatic Dunn grudgingly respected Burke for being a "brilliant genius," but claimed that the lawmaker's devotion to principle disqualified him from important legislative work "in which abstract principles in their logical extremes, have usually to be abandoned for the simple reason that that human beings do not live on a logical basis." Dunn partially agreed with the theory that great legislation was the product of compromise, but "only so far as the compromise is in the line of adapting it to actual human conditions, as against theories." In the case of the new city charter for Indianapolis, Burke opposed a section that authorized the board of works to purchase or build and operate water and electric utilities. "He [Burke] felt that true Democratic principles called for a vote of the people on such important matters," said Dunn.¹⁵ In spite of Burke's opposition, the bill passed the Senate by a 42 to 3 vote on 3 March 1891 and was signed into law by Republican Governor Alvin P. Hovey three days later.¹⁶

Through his support for giving the mayor enormous authority for Indianapolis's government, Dunn sowed the seeds for his own political humiliation twenty-five years later. Appointed city controller by Democratic Mayor Joseph E. Bell in 1914, Dunn came under fire from the *Indianapolis*

News after two years in office for his practice of using interest earned on contractors' guaranty bonds for personal gain. According to the *News* in the spring of 1914 the board of public works ruled that checks submitted from the lowest bidder for municipal improvements should be deposited with the city controller instead of sitting uncashed in the board office until contracts were let. Although the certified checks from failed bidders on city contracts often were held by the clerk of the board of works, the newspaper alleged that sometimes a number of certified checks on the same contract would be turned over to Dunn's office.

Dunn admitted to the *News* that he cashed such certified checks and "drew interest on such money held by him as 'trustee' until the time came to settle with the contractors." Because the income from this source was very regular, the newspaper charged that Dunn probably had "considerable money from this source on hand at all times." Although there was no law prohibiting such a practice, and previous occupants of the office had also followed this custom, Mayor Bell ordered Dunn in December 1915 to cease collecting interest for his personal use. Records indicate that Dunn's office received \$178,947 in certified checks in 1914 and \$181,915 in certified checks in 1915.¹⁷

Six months after the *News*'s expose, Mayor Bell asked for and received Dunn's resignation, along with those of John Reddington, deputy city controller, and John Pugh, deputy auditor of the board of school commissioners. His

action, the mayor claimed, was on "account of the general condition that has existed in connection with his management of the office. The business of his office has been so conducted that much criticism has come to me concerning the management thereof." Although one of the reasons for Dunn's dismissal cited by Bell was the controller's practice of collecting interest for personal use, the *News* reported that Dunn was being made the scapegoat for irregularities conducted by political appointees. The newspaper noted that "it is a well-known fact that Dunn never appointed any of his assistants but that they were chosen by the mayor." Reddington, Pugh, and John Shaughnessy, a former bookkeeper in the controller's office, were indicted by a Marion County grand jury.¹⁸

It was, in fact, Dunn who first exposed the irregularities in his office when he had Shaughnessy arrested for forging the name of a local contractor, George W. McCrary, to a check made payable by the city controller to McCrary for \$119.25. Later, Reddington and Pugh were charged with improperly collecting vehicle license fees between 1 July and 31 December 1915, turning over to the city only half of the fees charged. In an editorial titled "Dunn the Goat," the *News* noted it was commonly believed that the "incompetent party men whom the controller employed were thrust upon him, and that the 'higher-ups' are as much, if not more, to blame for the loose methods which the mayor now so heroically denounces and which have long prevailed in

the controller's office." Still, the editorial indicated the newspaper and community would have had more sympathy for Dunn if he had "taken the initiative and cleaned out the political stables himself."¹⁹

Ever faithful to the party he supported throughout his life, Dunn refused to place the blame for his troubles on Bell, who had the power to kick the controller out of office because of the 1890-91 city charter Dunn helped to institute. Asked by an *Indianapolis Star* reporter if he planned to resign without any ceremony, Dunn replied: "Why, of course I will." After the swearing-in of his successor, Reginald H. Sullivan (later mayor of Indianapolis), Dunn, as he left the controller's office for the last time, stopped long enough to issue the comment that he had "done nothing to apologize for and a man would be a fool in a case like this to talk about the rest of it."²⁰

In this matter Dunn had allowed his party spirit to overcome his zeal for reform. As the *Indianapolis News* pointed out, Dunn had been induced by the Democratic party to "commit himself to the defense of situations which, as a searcher after truth in his books, he hardly would have defended."²¹ But three years before he became city controller, the Hoosier historian had used the Democratic party, especially its standard-bearer in Indiana, Governor Thomas Marshall, to further what Dunn believed was a key to good government in the state: furnishing an honest electorate through a new Indiana Constitution.

NOTES TO CHAPTER III

¹William A. Blomquist, "Government," in *The Encyclopedia of Indianapolis* (Bloomington & Indianapolis: Indiana University Press, 1994), 89.

²Hester Anne Hale, *Indianapolis: The First Century* (Indianapolis: Marion County/Indianapolis Historical Society, 1987), 51.

³Dunn, *Greater Indianapolis*, 1:309.

⁴*Ibid.*, 310. See also, John Bartlow Martin, *Indiana: An Interpretation* (1947; reprint, Bloomington and Indianapolis: Indiana University Press, 1992), 89.

⁵Dunn, *Greater Indianapolis*, 1:309-10. See also, Charles Latham, Jr., *William Fortune (1863-1942): A Hoosier Biography* (Indianapolis: Guild Press of Indiana, 1994), 47.

⁶Dunn, *Greater Indianapolis*, 1:310-11.

⁷"Commercial Club Boom," *Indianapolis News*, 10 February 1890; "Street Paving Exposition," *Encyclopedia of Indianapolis*, 1302.

⁸Samuel P. Hays, *The Response to Industrialism, 1885-1914* (Chicago and London: The University of Chicago Press, 1957), 104, 107.

⁹Dunn, *Greater Indianapolis*, 1:313.

¹⁰*Ibid.*

¹¹*Ibid.*, 314.

¹²"Objecting to the Charter," *Indianapolis Journal*, 23 January 1891. See also, Dunn, *Greater Indianapolis*, 1:317.

¹³*Ibid.*

¹⁴Dunn, *Greater Indianapolis*, 1:317-18.

¹⁵*Ibid.*, 318-20.

¹⁶*Indiana Senate Journal* (1891), 687.

¹⁷"Collecting Interest a Nice Little Pastime," *Indianapolis News*, 13 January 1916.

¹⁸ See "Bell Requests Three to Resign," *Indianapolis News*, 13 July 1916, and "Mayor Ousts City Controller Dunn," *Indianapolis Star*, 13 July 1916.

¹⁹ Editorial, *Indianapolis News*, 13 July 1916.

²⁰ See "Mayor Ousts City Controller Dunn," *Indianapolis Star*, 13 July 1916, and "New Controller Takes Oath of Office," *Indianapolis Star*, 14 July 1916.

²¹ Editorial, *Indianapolis News*, 13 July 1916.

CHAPTER IV

Dunn, Governor Thomas Marshall, and the Indiana Constitution

At the opening of the Indiana General Assembly's sixty-seventh session on 5 January 1911, Governor Thomas R. Marshall, a Democrat, addressed a legislature different from the one he had first appeared before two years earlier following his gubernatorial victory over Republican opponent James Watson. At that time power had been split between Democrats who controlled the House and Republicans who held a majority in the Senate. Democratic gains in the 1910 election, however, gave that party majorities in both chambers for the 1911 session. Despite this partisan advantage Marshall's message to the lawmakers lent credence to his designation by many observers as a "Progressive with the brakes on."¹ He called on the General Assembly to act on such issues as compulsory workmen's compensation, new child labor laws, and voter registration reform. Early in his speech the governor also noted that there were "certain provisions of our Constitution which do not meet present conditions." Although he did not wish to see the document "radically altered," the sixty-year-old Constitution was in need of some revisions, which would, among other things, curtail aliens' voting rights, increase the length of

legislative sessions, and ease the often complicated constitutional amendment process.²

Marshall softened his call for changes to the 1851 Constitution by conceding to the legislators that there were "other important matters pending before you." Should these other matters be decided, Marshall continued, "it is not improbable that I shall again address you upon them [the Constitution revisions]."³ The governor's offhand mention of possible changes in the Constitution was a poor indication of the legislative firestorm he would soon ignite. In a little over a month's time the General Assembly was in full partisan cry when it was presented with not just a few amendments or a call for a full-fledged constitutional convention, but rather an entirely new Indiana Constitution. Republican opponents blasted Marshall's action, terming it illegal and an usurpation of authority on the governor's part. If allowed to pass, warned GOP Representative Jesse E. Eschbach, the measure could "lead to internal strife and dissension and eventually revolution."⁴

The document that caused such bitter partisan bickering became known as the "Tom Marshall Constitution." Such a designation was misleading, however, since it had not been created after consultation by the governor with his usual friends and advisors, nor in the usual give-and-take of the legislative process. Instead, as Marshall's biographer Charles M. Thomas wrote years later, work on the new Indiana Constitution "had been done quietly in the Governor's

office." According to Thomas, the governor was "largely influenced by the advice of one man whom he relied upon to draft much of the constitution."⁵ That one man was Dunn, who wrote the revised Constitution and suggested a way around the usually cumbersome constitutional amendment process in Indiana by bypassing the usual reform methods for the more radical approach of introducing the new document to the lawmakers. Once it passed the legislature it would be presented to Hoosier voters for ratification at the 1912 election and, if successful, would become law.

Dunn had pinned his chance for the betterment of Indiana's ballot, to his mind, the key feature of the new Constitution, on Marshall's coattails. Since the passage of the Australian ballot law in 1889, Dunn had seen that law continually weakened; he yearned for a chance to once again put matters right. He discovered a willing partner in the governor, a Columbia City lawyer who was one of the unlikeliest candidates ever for Indiana's highest office.

Although he had been involved in Democratic party activities for most of his life, and had even formed a Democratic Club while a student at Wabash College, Marshall's only experience in seeking office had been his failed bid for prosecuting attorney. After losing that race, Marshall returned to his law practice in Columbia City and continued to be active in party affairs. He served two years as the Twelfth District Democratic Committee chairman and was even asked to run for Congress in 1906, an honor he

declined. When asked if he might someday consider another campaign for elective office, Marshall said he doubted he ever would again, unless that race happened to be for governor.⁶

The "Marshall for Governor" bandwagon started rolling in earnest in the early fall of 1907. While Marshall and his wife were on vacation in northern Michigan, longtime Indiana newspaper reporter and Washington correspondent Louis Ludlow, Marshall's friend, became the first journalist to put forward the Columbia City lawyer's name as a gubernatorial candidate. Ludlow's suggestion was immediately picked up by newspapers throughout northern Indiana. In addition to this editorial support, delegates to the Democratic state convention from the Twelfth District pledged their votes on Marshall's behalf.⁷

The Democratic state convention held 25 March 1908 at Tomlinson Hall in Indianapolis displayed a party in disarray. Forces loyal to longtime Democratic boss Thomas Taggart lined up in support of his hand-picked gubernatorial candidate, Samuel Ralston, who would eventually succeed Marshall as governor. Meanwhile, those opposing Taggart's control of the party touted the candidacy of State Senator L. Ert Slack. Commenting on the intraparty divisions, Marshall noted that it was "a difficult thing to find a man who was a Democrat--just a plain, unadorned, undiluted, unterrified Democrat." With the convention deadlocked after four ballots, Ralston--pressed to do so by his patron

Taggart--announced his withdrawal from the race. With Ralston's departure, voters quickly switched to Marshall, and he received his party's nomination for governor on the subsequent ballot. The dark horse, as Marshall put it, had transformed himself "from his Accidency to His Excellency."⁸

With the Democratic party firmly united behind his candidacy, Marshall turned his efforts to convincing Hoosier voters that he was the best man for the job. He conducted a low-key campaign, telling the crowds that gathered to hear him speak he was the "candidate of no faction and candidate of no interest; that I had no strings to me; no promises out; owed nobody anything except good will; that I had a perfectly good [law] practice at home; did not care whether I was elected or not; but if they were in accord with Democratic principles I was soliciting their votes for the party and not for myself." Marshall even claimed to have returned more than \$7,000 in campaign funds he received in the mail. Instead of using those funds, he borrowed \$3,750 from Columbia City's First National Bank to finance his campaign for governor, an amount he repaid only after finishing his two subsequent terms as vice president under Woodrow Wilson.⁹

While Marshall's understated campaign style proved to be effective with Hoosiers, Congressman James Watson, the Republican gubernatorial nominee, experienced difficulties within his own party. Governor J. Frank Hanly, a tireless advocate of temperance, had prodded the Republican party

into including in its platform a plank calling for a county option law on the liquor question. With this pledge on the books, Hanly went one step farther. Three weeks before the election he called a special session of the General Assembly that ultimately passed the county option measure (Democrats had favored using the city, township, or ward as the basis to decide the question of whether or not liquor should be allowed in an area).

The Democratic candidate fiercely opposed Hanly's use of executive power. Speaking in Rockport before the special session got under way, Marshall unwittingly foreshadowed attacks that later would be leveled against him in his attempt at constitutional reform when he compared Hanly to a dictator giving orders with no thought as to what the people might really want. Such actions, said Marshall, were a "violation of constitutional government, for under a constitutional government the people themselves rule."¹⁰

Watson also disputed the wisdom of Hanly's legislative posturing, but he had a more personal stake in the matter. He blamed Hanly's insistence on obtaining passage of the county option law before the campaign's finish as a major reason why he would go on to lose the governor's race to Marshall. "When this was done," Watson insisted in his memoirs, "it took my platform squarely out from under me and thus relieved any Democrats who believed in county local option from the necessity of voting for me to get what they wanted." The Republican congressman acknowledged that

opposition from organized labor also played a role in his approximately fifteen thousand-vote defeat.¹¹

Indiana governor during a time in American history when Progressives across the country were advocating such liberal governmental changes as the initiative, referendum, and recall, along with other measures to combat society's problems, Marshall nevertheless proved to be a cautious reformer. He advocated clear and equal separation of powers among the legislative, executive, and judicial branches of government, with each branch minding its own business. The governor's wary approach to reform was highlighted in his opening message to the General Assembly on 11 January 1909 in which he counseled the lawmakers to be cautious in enacting any new laws. "Undigested legislation," Marshall warned, "must inevitably result in evil to the body politic. Your record will be made not by the amount but by the character of the work you do."¹² The divided General Assembly (Democrats controlled the House and Republicans the Senate) took Marshall's advice to heart. Although the governor had asked them to consider such reform measures as the direct election of United States senators, improved railroad and insurance company legislation, and the creation of a state board of accounts, only the last of these was enacted.

Paradoxically, some Indiana historians have put forward the belief that the state's greatest attempt at reform came not during the Progressive era, but in the late 1890s. Dunn

was one of the first to champion this interpretation, noting that the legislature of 1889 "adopted more and better laws than any legislature that preceded or followed it, but what was of more importance, it set a pace for its successors."¹³ A more recent assessment agrees that those reforms pursued in later years, especially during the period from 1912 to 1916, "merely modeled themselves on the precedents set in 1889."¹⁴ This is true of Dunn's efforts on behalf of a new state constitution, which he saw as continuing the work he had done in the last half of the nineteenth century to purify Hoosier elections.

As disappointed as Marshall was with the legislative setbacks he suffered during the 1909 session, he seemed determined to keep clear the lines of authority among the different branches of government. Speaking before fellow Democrats at the party's 1910 convention, he cautioned his audience about the dangers of one-man government. Even though such a government might sometimes produce good laws, "in so doing, it will establish a precedent whereby an evil-minded man may work intolerable wrong and overthrow our system."¹⁵ Marshall believed that the state's chief executive should swear off using "his power, his prestige and his right of appointment to overawe or coerce the legislative department of government."¹⁶

On one issue, however, Marshall swept aside his usual political beliefs in favor of the same domineering methods for which he had condemned his predecessor during the

gubernatorial campaign. The issue subjecting Marshall to an eventual avalanche of condemnation from Republicans was one that had bedeviled the state for a number of years: reform of the 1851 Indiana Constitution. The General Assembly had long debated ways to amend what had become an outdated document. These attempts met with repeated failures due to a complicated process for effecting constitutional revisions. According to terms outlined in the 1851 Constitution, any amendment had to be passed by two consecutive legislative sessions before it could be considered by Hoosier voters.

The cumbersome amendment process was highlighted in the early 1900s when a lawyers group attempted to revise a constitutional provision that admitted to the bar applicants whose only qualification consisted of possessing a good moral character. A bill authorizing the General Assembly to set stricter qualifications for admission to the bar successfully passed two consecutive legislative sessions (1897 and 1899) and was placed on the ballot for voters to consider at the 6 November 1900 election. As a result of the election, in which the amendment received 240,031 votes in favor and 144,072 tallies against, sterner standards were established.

On an appeal from a Hoosier who failed to meet the tougher requirements, however, the Indiana Supreme Court during its November 1900 term ruled in the case *In re Denny* that although the amendment received more "yes" than "no" votes, it had failed to pass because it did not receive a

majority of **all** the votes cast in the general election. Furthermore, since the amendment had neither been approved nor defeated, but was still pending a decision from the voters, the 1851 Constitution stated that "no additional amendment or amendments could be proposed," which effectively blocked any other attempt at constitutional reform.¹⁷

Such an impasse proved to be intolerable to a reformer like Dunn, who also saw in the constitutional roadblock a unique opportunity for enhancing the Democratic party's success in future elections. In a speech before the Indiana Democratic Club in December 1908 he pointed out that in a ten-year period from 1894 to 1904, other states had adopted two hundred and thirty constitutional amendments while Indiana had failed to successfully pass even one. Dunn blamed the framers of the 1851 Constitution for tying "the hands of posterity too tightly. They seemed to have the idea that wisdom would die with them." He regarded the process for attaining constitutional amendments as a safety valve that should be "so adjusted as not to be a mere escape pipe for passing fancy or political prejudice, but at the same time should not require so much force to move it as is liable to explode the boiler."¹⁸

To relieve what he regarded as a potentially explosive situation, the Hoosier historian lent his expertise to the Marshall administration by devising a novel, for Indiana and the rest of the nation, approach to constitutional reform.

The first hints of what was to come appeared prior to a Democratic caucus the night of 13 February 1911. Although what was to be discussed at the meeting was theoretically supposed to be a secret, the *Indianapolis News* reported that one of the issues to be considered was the state's Constitution. The newspaper noted unconfirmed reports that "an entirely new Constitution is to be proposed, another that certain phases of the document are to be gone over, and still another to the effect that the caucus will be asked to consider ways for making easier the method of amending the Constitution, if a way is found possible."¹⁹

The *News*'s sources were accurate; the next day Marshall announced that the caucus had approved the idea of submitting an act to the General Assembly providing for an entirely new Constitution--a method that had not been used successfully in the United States since the eighteenth century.²⁰ Marshall rationalized such an action on the grounds that the Declaration of Independence granted the people the right to change the method and form of their government. The changes included in the new Constitution, the governor asserted, had been decided upon after consultations with a group of Indiana attorneys. One of those lawyers, whom Marshall failed to identify by name, advised him that if he studied the existing Indiana Constitution he could find a means "to accomplish what I felt should be accomplished, and thus to get around the

vexing question of whether there is a proposed amendment before the people."²¹

The attorney Marshall refused to name was Dunn, who outlined his role in the matter in his history of the state, *Indiana and Indianans*. Dunn, who had praised Marshall's previous course of noninterference in other departments of government, reversed himself on this issue. He argued that the "radical action" of submitting a new Constitution to be acted on by the General Assembly was called for in order to cut the "Gordian knot" blocking constitutional reform. "The plan struck me as feasible, and he [Marshall] asked me to formulate the changes which I considered desirable, which I did," Dunn recalled.²²

Direct action in the legislative process was, of course, nothing new to this political historian who has served a similar role in the Australian ballot and Indianapolis city charter issues. In fact, to Dunn's way of thinking an historian had an obligation to act when he saw a problem in government. "If you want intelligent legislation," he reasoned, "you must first find out just what is wrong, and then devise the remedy for that wrong."²³

In drafting his constitutional proposal, Dunn depended upon his historical knowledge and the skills he learned as an attorney and not on any detailed correspondence from Marshall. Caroline Dunn has suggested that since both her father and the governor lived in Indianapolis and were longtime Democrats, it would have been more likely for them

to discuss an issue like reforming the Constitution in person, rather than through the mails or by memo.²⁴ She also noted that during the time when Marshall served as governor, her family and the Marshalls lived just a few blocks away from one another on Pennsylvania (Dunn's home was at 915 N. Pennsylvania, while the Marshalls lived at 1219 N. Pennsylvania).²⁵

The legal right to produce a new Constitution for the legislature to consider, claimed Dunn, rested upon the original document's statements that "the people have, at all times, an indefensible right to alter and reform their government," and that the state's "legislative authority shall be vested in the General Assembly."²⁶ Dunn pointed out that Indiana's 1816 Constitution contained no process for amending the document. The only rationale for replacing it, besides the people's inherent right to do so, was a provision it contained whereby every twelve years after the Constitution had taken effect a vote would be taken to see if people were for or against calling a constitutional convention.²⁷

Such a vote had never been taken, and the constitutional convention had been called for only after the collapse of Indiana's internal improvements scheme in 1850. When considering the amendment process for the new Constitution, convention delegates realized the session failed to meet the procedures outlined for such matters in the 1816 Constitution. With that in mind, Dunn argued that

the delegates' aim was not to "limit the right of revision, but to extend it by the system of special amendment." He went on to claim:

It is evident that the provisions for amendment . . . are not intended as any limitation on the right of the people to adopt a new constitution whenever they so desire The only restriction is that if they desire to proceed by special amendment . . . they must follow strictly the method there provided, in order to make the amendments valid.²⁸

To those who charged that the "new" Constitution was no more than a series of amendments to the existing Constitution and, therefore, had to be dealt with by the amending procedures outlined in the 1851 document, Dunn said that they were confused about the "ordinary and legal meanings of terms." He gave as an example the changing of a will. If someone had made and then rewritten a will, "it would be a new will; but if the changes were added as a codicil it would be an amended will." The proposed constitution he drew up in 1911, Dunn argued, had to be considered as a new one "from the standpoint of the diversity of its effects."²⁹

The document Dunn produced and Marshall provided to the General Assembly for debate included such earlier reform attempts as granting the legislature the power to fix requirements for admission to the bar and increasing the size of the Indiana Supreme Court from five justices to as many as eleven. Other revisions included increasing the size of the Indiana House of Representatives to one hundred and thirty members; lengthening the General Assembly session to

one hundred days; giving the legislature the power to enact workmen's compensation laws and measures for the initiative, referendum, and recall of all elected officials, except judges; requiring a three-fifths vote by the House and Senate to override a governor's veto; giving the governor line-item veto power on appropriation bills; prohibiting salary increases for public officials during the term to which they were elected; easing the amending process for the Indiana Constitution; and providing political parties the opportunity to declare for or against constitutional amendments at their conventions and making such a decision a part of their tickets to be acted on by voters.³⁰

Although Dunn's constitution provided for the initiative, referendum, and recall of public officials--mainstays of Progressive-era political reform efforts--Marshall, enhancing his image as a cautious reformer, approved the placement of that clause in the new Constitution with "no intention on my part that it should ever be used." He offered as an example someone approaching a set of railroad tracks. Even if the tracks were not equipped with warning signals, a person in "sound mind" would know there existed some danger in crossing the tracks. According to the governor, the initiative, referendum, and recall clause was put in the document Dunn prepared "not for use but to sharply call attention of the Legislator to the fact that he was the representative of the people and not the representative of a special interest and that he would

better walk carefully or such a condition of affairs might arise as to make it necessary for the people to pass their own laws."³¹

For Dunn, however, the chief purpose of the new Constitution was "to secure honest elections," without which, he argued, government would be "a sham and a mockery."³² As with the Australian ballot measure, his underlying reason for attempting to create an honest electorate was simple: it would translate into election success for the Democratic party. Dunn earnestly believed that given a choice between the Democrat and Republican program, an honest, intelligent voter could not help but vote for the Democrats. What better way to ensure Democratic party success at the polls than to provide an environment in which this type of voter could prosper? He even went so far as to charge that Republican opposition to the new Constitution, which offered a "speedy and inexpensive" way to secure an honest electorate, was based on the GOP's "knowledge that it [the new Constitution] will injure that party politically."³³

Like many Progressive-era reform proposals, however, Dunn's document was tainted by nativism, especially in its voting eligibility requirements.³⁴ The new Constitution restricted voting rights to male citizens of the United States more than twenty-one years of age who had resided in the state for twelve months, in a township for sixty days, and in a precinct for thirty days preceding the election.

(Under the then existing Constitution, every male of foreign birth more than twenty-one years of age who had declared his intention to become a United States citizen and had resided in the state for six months, and in the country for one year, was eligible to vote.) Dunn's measure also limited suffrage by insisting that voters pay their poll tax the year of any election, and, after 1 November 1913, it stipulated that Hoosiers who could "not read in English or some other known tongue any section of the Constitution of the State" would not be allowed to register to vote.³⁵

Limiting suffrage to educated citizens became a common proposal during the Progressive era. A. James Reichley claims that a number of Progressives shared the Founding Fathers' belief that "republican government would be unworkable without well-informed, independent voters who cast their ballots for what is best for the nation as a whole"--a citizenship definition many immigrants failed to fit.³⁶ Also, the proposed Indiana Constitution's limit on voting rights to those who could read or write paralleled a national movement's attempt to require a literacy test for immigrants. First introduced in Congress in 1895, the literacy measure made its way through both the House and Senate in 1897, 1913, 1915, and 1917. Vetoed by presidents Grover Cleveland, William Howard Taft, and Woodrow Wilson, the test was enacted by Congress over Wilson's veto in 1917. The new law, however, as John Higham has pointed out,

"proved a fairly coarse sieve," since rising literacy rates in Europe blunted the law's impact.³⁷

Dunn presented a point-by-point defense of the restrictive voting eligibility requirements contained in his document during a speech before the American Political Science Association's 1911 annual meeting. An education test for suffrage was essential, he argued, because if illiterates were permitted to vote, someone would have to mark the ballot for them, which eliminated the secret ballot and could make vote buying easier. Also, a poll tax was needed because, according to Dunn, a "large part of the class who sells their votes are included in the class who do not pay their poll taxes."³⁸

As to the tightening of residential standards, Dunn pointed out that the 1851 Constitution gave immigrants with six months residence in the state, and who had declared their intention to become United States citizens, the right to vote because the state wanted to encourage immigrants to settle within its borders.³⁹ In recent years, however, Dunn claimed that there appeared in Indiana "a large class of immigrants who have no real intent to become citizens, but only to accumulate enough money for comfortable living in their native countries." Since these people were interested only in making money, Dunn said, they were often more than happy to sell their franchise for cash. "In fact," he added, "they are commonly 'Naturalized' in blocks, by political parties that have already bargained for their votes."⁴⁰

The dishonest elections resulting from this rampant bribery and vote selling were "sapping the very life of the nation today," Dunn told the association members. Such Progressive attempts to remedy the ills of government as the initiative, referendum, and recall; commission government; and the short ballot were "only salves applied to the skin to cure a blood disease." He believed that the only way to obtain good government was to ensure honest elections. Dunn asked those assembled:

What do direct primaries amount to, if the voters are bought? What are the initiative, referendum, or recall if the appeal is to a debauched electorate? What is commission government, if the commissioners can buy their elections? What difference whether a man votes a long or short ballot, if his vote is sold? Of what avail to try to control the "big business" of the country, so long as we allow it, by the supply of campaign funds, to buy the election of men who will serve it? The first and greatest requisite--the one without which all others amount to nothing--is the purification of elections.⁴¹

Marshall echoed Dunn's fears about "aliens" somehow besmirching the sanctity of the ballot box. Discussing the new Constitution with a fellow Democrat, Marshall said that after consulting others, he believed that it was "advisable to see if we could not try to limit the suffrage in Indiana by a new Constitution."⁴² During a June 1911 speech before the Indiana Democratic Editorial Association in LaPorte, Indiana, Marshall reminded his audience that voting "was not an inalienable right." The governor termed unrestricted suffrage as "one of the [most] dangerous experiments in government." The governor stated that a great number of foreigners had come into the state and, aided by unnamed

"political manipulators," had polluted the purity of the ballot box and threatened to menace American civilization.⁴³

Perhaps secretly agreeing with Dunn's assessment that "honest" elections could mean trouble for the GOP at the polls, the Republican response to the new Constitution was overwhelmingly hostile. GOP leaders in both the Indiana House and Senate blasted the measure calling it a "one-man constitution" and claiming that Marshall was usurping the people's rights. Senator William Wood of Lafayette derided the fact that the legislation was agreed upon at a party caucus and not by the people, and he also argued that "there is not a single member of this Legislature that was selected for the purpose of framing a constitution." Representative Jesse Eschbach of Warsaw, House minority leader, called the governor's action "contemptible" and claimed it marked "the last gasp of what promised to be a period of Democratic power and prestige, a puerile attempt to bolster up fallen political power and to conceal the failure and blundering of two years of Democratic supremacy."⁴⁴

Senator James Sexson of Owen County went one step farther than his GOP colleagues. On 16 February 1911 Sexson introduced a Senate resolution appointing Marshall as a committee of one with the power to put the new Constitution into effect without holding an election. The resolution also gave the Democratic governor the power to "revise the Lord's prayer, amend the Declaration of Independence, repeal the Mosaic Law, bring the thirty nine articles of faith down to

date, abridge the sermon on the mount and do all other things as will appear in his infinite wisdom and supreme interest in the welfare of the people, to be fitting and proper." The *Indianapolis Star* reported to its readers that Democratic senators said nothing after the resolution had been called out of order, but "the Republicans were still smiling broadly when they adjourned." Although his proposal failed to pass muster, Sexson did get something for his efforts--pats on the back from amused GOP legislators.⁴⁵

The GOP's assault on the new Constitution received daily coverage in the *Indianapolis Star*, which supported the Republican party editorially. The newspaper constantly hammered away at the plan and its architects, giving front-page coverage to attacks on Marshall from former GOP governors Winfield Durbin and J. Frank Hanly, and gave the same prominent space to a group of lawyers who viewed the measure as unconstitutional.⁴⁶ The *Star*, however, saved its biggest broadsides against the plan for its editorial pages. Recalling Marshall's campaign speeches in which the candidate claimed to be a strict constructionist when it came to executive authority, the newspaper asked why in this instance Marshall turned his back on his stated beliefs. Although the *Star* suggested the possibility that the governor planned to use the issue of a new Constitution as a way to promote a run for the White House in 1912, it nevertheless concluded that Marshall was "a man urged on by imperious circumstances to do that against which his whole

nature revolts. It must be hard for a sensitive man to do something that he feels instinctively is wrong."⁴⁷

The *Star* hinted in its editorial pages that Dunn was the person to blame for pushing Marshall down the path of constitutional ruin. Calling Dunn "advisor to the throne and oracular interpreter of all constitutions," the editorial also damned him for his "unerring inaccuracy" on constitutional matters. The newspaper went on to state that Democrats like Dunn and Marshall worshipped a "tin god" called "powers not delegated." Anyone using such powers, the editorial added, was "fit for nothing less terrible than boiling oil."⁴⁸

In spite of these partisan attacks and complaints from some special interest groups (women suffragists and prohibitionists) that their agendas were being ignored, Dunn stood firmly behind his proposal. He produced a number of articles defending the new Constitution for the Democratic-leaning *Indianapolis News*, which, along with the *Indianapolis Sun* (a politically independent newspaper), supported the constitutional reform effort. Dunn's *News* articles outlining the case for the new Constitution were eventually combined into a pamphlet titled *The Proposed Constitution of Indiana*. In the articles he acknowledged the protests of those interests left out of the legislation, but he pointed out that their concerns could be addressed in the future, because the amendment process would be much easier under the new Constitution than the old one. He also said

that those people who liked the changes but opposed the way in which the new Constitution was submitted had a simple method for registering their complaint--at the ballot box. "If you really believe that 'it is a good meal, but it came through the wrong hopper,'" advised Dunn, "the sensible course is to take the meal and save your condemnation for the hopper."⁴⁹

Along with Dunn, Marshall kept busy defending the effort to change the state's highest law. The Republican onslaught against the measure hardened the governor's support for Dunn's work. "A theory must fall in the face of a condition," Marshall responded to those who said he was turning his back on his stated beliefs in each branch of government keeping to its own business. Once someone discovers a theory they held was incorrect, the governor added, they should not "be condemned for forsaking a theory to meet a practical problem of government as it is now."⁵⁰ In a letter to Democratic Congressman Henry Barnhart, Marshall noted the outcry over the issue but reasoned that "the way the Republicans are jumping on it [the new Constitution] convinces me that it must have some merit in it."⁵¹ In a later letter to the congressman, the governor outlined his other, more economically based, reasons for backing Dunn's work:

While the lawyers amendment is pending, we can propose no additional amendments. To get rid of it would perhaps cost \$100,000.00 in a special election. To call a constitutional convention might cost half a million dollars and nothing be accomplished. The proposed changes are so slight as to not shock anybody when they are considered, can be passed upon

by the people without a single cent of expense; if rejected, no harm is done, if approved, an easy way is opened up for all future changes in the constitution which the people may desire. If the method is illegal and improper, of course, the courts are open to stop the same. I am quite sure that all good citizens desire a more stringent regulation of the franchise.⁵²

Along with the cost, Marshall feared that due to the widely divergent views in Indiana on such reform issues as prohibition, equal suffrage, and the initiative, referendum, and recall, any constitutional convention "would be fraught with great danger and would shake the state into a great passion." He also foresaw that a convention would be filled with partisan bickering, a prediction the governor said was substantiated by the GOP assaults on the new Constitution.⁵³

James A. Woodburn, an Indiana University professor of history, disagreed with Marshall's view that a constitutional convention might become too partisan. Instead, Woodburn described the new Constitution as "too unusual and too partisan." He predicted that if the document made its way to Hoosiers for their decision at the polls, it would be defeated by as many as one hundred thousand votes. "Three parties," he wrote Grace Julian Clarke, active in the state's women's suffrage movement, "will oppose it in convention,--Republicans, Socialists and Prohibitionists."⁵⁴ Later, during a 5 May 1913 speech to the Woman's Franchise League of Indiana, Woodburn conceded that the Indiana Constitution's amendment process was "absurd," but recommended a different approach than Dunn's for improving the document. The IU professor advocated letting "the people

decide in the good old way--through men elected for the purpose, their accredited representative in convention assembled--what changes shall be proposed in their constitutional organic law." Although he acknowledged that such a convention might produce some disagreements, Woodburn noted that "out of it all will come the common judgment, and by that we can afford to abide."⁵⁵

Dunn, who often acted as the governor's mouthpiece in the matter of the new Constitution, gave other reasons for Marshall's support. As a lawyer himself, the governor, Dunn argued, had expressed concern that the existing five-member Indiana Supreme Court was too small to handle what had become a large caseload. Other issues Marshall supported that were blocked by what Dunn termed "an antiquated constitution" included the passage of a workmen's compensation law and an easier method for the state to condemn property.⁵⁶

As the Dunn constitution made its way briskly through the General Assembly, the courts seemed to be the only roadblock left. Introduced by Senator Evan Stotsenburg, Senate Bill. No. 407--despite Republican efforts in the Senate's Committee on Constitutional Revision to indefinitely postpone action on the matter--passed the Senate on 27 February 1911. A similar situation occurred in the House, where the bill survived further GOP attempts at postponement. Partisan feelings ran so high that during the third reading of the bill in the House Republican

Representative Elmer Oldaker of Wayne County announced that some of the Democrats "ought to be hanged." Incensed by Oldaker's statement, Democratic Representative Harry Strickland of Hancock County challenged his colleague to a fight in the House cloakroom. Fortunately, cooler heads prevailed and the two men were separated before any punches were thrown.⁵⁷ On 2 March 1911, the House approved the new Constitution. Two days later, Marshall signed the bill into law.

Frustrated at being unable to stop the new Constitution at the legislative level, opponents turned to the judicial branch for relief. John Dye and Addison Harris, two Republican attorneys who Dunn claimed had attempted to block previous Democratic reform legislation, sought a Marion County Circuit Court injunction preventing the State Election Board from placing the new Indiana Constitution question on the ballot in the 1912 election.⁵⁸ Judge Charles Remster, a Democrat, granted the injunction and the case ended up in the Indiana Supreme Court.

This temporary judicial setback sparked Dunn to vigorously campaign on behalf of his measure. Restating his firm belief in the need for honest elections, Dunn said the movement to reform Indiana's Constitution was fated to succeed despite Judge Remster's decision and the upholding of that decision by the state's highest court--an action he anticipated because the Supreme Court had a Republican majority. Because the attempt at constitutional revision was

what he called a "moral reform movement" (a familiar argument made by reformers during the Progressive era), neither court decisions nor any other obstacles could halt its eventual success "any more than the anti-slavery movement was stopped by the Dred Scott decision."⁵⁹

On 5 July 1912 Dunn's prediction of the high court's decision came to pass, but with a twist. By a slim one-vote majority the Indiana Supreme Court upheld Judge Remster's decision. The court's decision crossed party lines, as two Republican judges were joined by a Democrat in the majority opinion. That Democrat, Chief Justice Charles Cox, in writing the majority opinion, said the case's main question was whether or not creating a new Constitution was "a valid exercise of legislative power by the General Assembly."⁶⁰

Cox ruled that the "legislative authority" granted to the General Assembly by the Constitution did not include the power to replace or amend the document unless the legislature followed the process already outlined in the 1851 Indiana Constitution. Although acknowledging the potential need for revising the document, Cox maintained that if the people of the state believed some changes were needed, they could make them by following the procedure already spelled out in the existing Constitution. "That they had not done so, and that the General Assembly may believe good will follow by deviating from the slow and orderly processes, will not justify a construction of the

Constitution which does violence to its intent and express provisions," wrote Cox.⁶¹

Dissenting from the majority's viewpoint, Justice Douglas Morris believed that the court had overstepped its authority by killing the new Constitution before it could be voted on by Hoosiers. The court, he wrote, had the power to decide whether or not a statute had been legally adopted, but it could not "restrain the enactment of an unconstitutional law." To issue an injunction in this case, he added, would prohibit the legislature and electors from exercising their "legislative duty." He used as an example a messenger from the General Assembly taking a bill that had already been passed by that body to the governor. "Would anyone imagine," Morris asked, "[that] the progress of the messenger could be arrested by an injunction? The inquiry answers itself." He saw no distinction between the situation he outlined and the court's action in stopping a vote on the new Constitution.⁶²

This dissenting view was echoed by Marshall, who took a page from his opponents on the issue by calling the court's action "a clear usurpation of authority." In his autobiography, the governor said that he had never intended that, if the new Constitution were ratified by Hoosier voters, the question of the measure's constitutionality could not be raised by anyone who felt himself injured by its passage. He called the court's majority opinion "the most flagrant interference on the part of the judicial with

the rights, privileges and duties of the legislative and executive branches of government."⁶³

Urged by many friends and advisors to ignore the court's decision and place the Constitution question on the ballot, Marshall instead decided to obey the majority's opinion. In reflecting on the controversy he said:

I did not feel that I could afford to show any disrespect to the majority of the Supreme Court of the State of Indiana, or to lessen the respect in which I was teaching the people to hold the court's opinions, by myself openly flaunting one of its opinions.⁶⁴

Instead of openly defying the court's decision, Marshall turned to the United States Supreme Court for relief. His appeal alleged that the Indiana Supreme Court's ruling on the new Constitution denied the people of the nineteenth state a "republican form of government." Before the U.S. Supreme Court could hear his case, however, Marshall left the governor's office for another elected position--that of vice president under Woodrow Wilson. Due to what Marshall termed a "technicality" (the appeal failed to substitute his successor's name for his own), his appeal was denied on 1 December 1913. Later meeting one of the justices of the U.S. Supreme Court at a Washington dinner party, Marshall asked him why the court had dismissed the case. The vice president quoted the justice as admitting that Marshall was right and the Indiana Supreme Court wrong on the Constitution issue. But the justice went on to say that it was the policy of the court "not to interfere, if it can avoid doing so, in any political question arising in any

of the states of the Union."⁶⁵ That action greatly pleased a leading opponent of the new Constitution, the *Indianapolis Star*, which praised the court's action and hoped that the ruling would discourage "dark lantern methods in the revision of constitutions."⁶⁶

Blocked by the judicial branch of government in his plan for a new Constitution, Dunn, like Marshall, vented his wrath at the Indiana Supreme Court's decision. Ever the reformer, and someone who hated to lose on any issue, he lamented the lack of any checks or balances on judicial power. Dunn said that until the American people rid themselves "of the absurd delusion that all judges are upright, and incorruptible, and infallible, and above partisan control, they will simply continue to suffer any indignities that the courts may choose to inflict upon them."⁶⁷

The defeat of Dunn's new Constitution, to which Marshall had so closely allied himself, actually helped the governor's subsequent political career. The furor over the Marshall administration's campaign for constitutional reform was "very instrumental," in Dunn's mind, in securing for Marshall the vice presidential nomination at the Democratic party's national convention in Baltimore. The often rancorous debate on the issue succeeded in advertising Marshall's name "from one end of the nation to the other." He further theorized that the governor's support for such a progressive measure helped to alter perennial Democratic

presidential candidate William Jennings Bryan's view of Marshall as a "reactionary."⁶⁸

Dunn eventually left Indiana for service in Washington as private secretary to United States Senator Samuel Ralston. Reform of the state's Constitution, however, continued to attract the historian's interest. In 1921 at a meeting of the Indiana Democratic Club of Indianapolis, Dunn blasted three of thirteen amendments offered to the Constitution by the Republican party (especially an amendment allowing blacks to serve in the state militia) and mourned the defeat of his earlier legislation. If the 1911 Constitution had not been halted by what Dunn called "unwarrantable court interference," the state could ignore the ten "unobjectionable" amendments and could have been "spared the humiliation during the late war of having alien enemies entitled to vote under its constitution. We are in a position to say: 'I told you so;' and Democrats ought to feel free to say it."⁶⁹

The Republican amendment allowing African Americans to serve in the Indiana militia brought out the worst in Dunn. If a black militia company was sent to quell a labor dispute, Dunn warned, a race riot would break out and the "streets of Indianapolis will run blood on account of it." He also noted that although Indianapolis contained "a large population of orderly and well-disposed negro citizens," the city for years had also been a "haven for the criminal

classes expelled from other places, and especially from the South."⁷⁰

The Indiana historian's racial bias (when it came to voting rights) had been displayed years earlier in another Indiana Democratic Club speech. During that talk Dunn ridiculed a GOP party platform plank calling for a reduction in both congressional and electoral college representation for states that unconstitutionally limited voting rights. "Suffrage," Dunn claimed, "had debased the negro, on the average, instead of elevating him. It has given him a false idea of citizenship. It has made him insolent and quarrelsome instead of self-respecting." Because he believed that the right to vote was based on the state's welfare, it would be unkind to give blacks "a right that is injuring him and injuring the state also." It was no injustice, he continued, to deny suffrage "to the negro who remains illiterate, shiftless or criminal."⁷¹

Notwithstanding Dunn's fulminations against the Republican-backed constitutional amendments, one of them was similar to an amendment he had backed eleven years earlier. Amendment One, which was the only one of the thirteen amendments to receive more yes than no votes in the 1921 special election (130,242 for the measure versus 80,574 against), limited suffrage in Indiana to United States citizens, either native born or fully naturalized. On 10 March 1921 Governor Warren T. McCray declared the amendment adopted.⁷² The suffrage amendment survived a court challenge

questioning whether it had been approved by "a majority of electors in the state." The Indiana Supreme Court ruled in the case *Simmons v. Bird* that a majority of electors meant a "majority of the electors who vote at the election at which an amendment is submitted for ratification." The amendment, the court said, had been "properly adopted, regardless of the fact that there may have been a much greater number of qualified electors in the state than the number of those who actually voted at the special election."⁷³

It took another fourteen years, however, for the Indiana Supreme Court to further ease its strict interpretation of whether an amendment to the state Constitution had been passed by the voters. In the case *In re Todd*, the court ruled that a proposed amendment became a part of the Constitution if it received "a majority of those votes cast for and against its adoption"--a much easier standard to meet than the one established by the *In re Denny* decision.⁷⁴

The Indiana Constitution as it existed in 1911 was outdated, and Dunn's document contained measures that are considered commonplace in the last decade of the twentieth century. Still, constitutional scholars have recommended against allowing legislatures to make wholesale changes to their constitutions; they have preferred the more standard approach of having lawmakers offer a few amendments or call for a special constitutional convention to make the needed revisions.⁷⁵ Constitutional theorists have argued that a

legislative body has neither the time nor expertise necessary to craft a new Constitution for a state. Also, they cite the possibility that lawmakers' actions might be "colored by political considerations." The political party in power could "exert undue political influence in rewriting the fundamental law." A specially called constitutional convention would be less likely influenced by outside pressures in its deliberations and more likely to be independent in its judgment than legislators who are "active participants in the political arena."⁷⁶

Dunn's admitted attempts to limit suffrage through the new Constitution in order to gain a partisan advantage come election time were antidemocratic, especially his attempt to limit alleged foreign and minority influence at the polls through a poll tax and literacy requirements. The Indiana Supreme Court did, however, overstep its authority when it ruled Dunn's document unconstitutional even before it could be considered by Hoosier voters.

Whatever the problems with his means, Dunn, not Marshall, should receive credit for conjuring up a unique method for attempting to change what has been called a "'stage coach' era Constitution." Before more liberal methods for constitutional changes were adopted, revisions in the state's highest law had proceeded at a glacial pace for many years. From the 1850s to the 1930s, the Indiana General Assembly considered approximately four hundred changes to the constitution. Of that number, twenty-five

were considered by voters at the polls and only nine were approved, seven of which passed at an 1881 special election.⁷⁷

The national movement to tighten suffrage requirements, which Dunn championed in Indiana with his new Constitution, did have an effect on voting patterns. The introduction of the Australian ballot system, tighter registration and literacy requirements, combined with the weakening hold of political parties on voters, worked together to lower voter turnout from 79 percent of eligible voters in the 1896 presidential election to 49 percent in 1924. Even in Indiana, where party competition remained fairly even until the 1920s, voter turnout declined from 95 percent of those eligible in 1896 to 78 percent by the 1912 election.⁷⁸ Whether these lower turnouts consisted of the intelligent electorate Dunn desired is difficult to discern, but if they did he would have been disappointed with the results. From 1917 to 1933, Hoosier voters elected Republicans as governor.

NOTES TO CHAPTER IV

¹ Gray, *Indiana's Favorite Sons*, 27.

² *Indiana Senate Journal* (1911), 23.

³ *Ibid.*, 24.

⁴ *Indiana House Journal* (1911), 1758.

⁵ Charles M. Thomas, *Thomas Riley Marshall: Hoosier Statesman* (Oxford, Ohio: Mississippi Valley Press, 1939), 88.

⁶ Marshall, *Recollections*, 151.

⁷ Ludlow, *From Cornfield to Press Gallery*, 396.

⁸ Marshall, *Recollections*, 159-61.

⁹ *Ibid.*, 166-67, 169-70.

¹⁰ Keith S. Montgomery, "Thomas R. Marshall's Victory in the Election of 1908," *Indiana Magazine of History* 53 (June 1957):159.

¹¹ James E. Watson, *As I Knew Them: Memoirs of James E. Watson* (Indianapolis and New York: Bobbs-Merrill Co., 1936), 208. Watson recalled that the experience of his mother's first cousin, General Thomas M. Browne, GOP nominee for Indiana governor in 1872 who was beaten by Democrat Thomas Hendricks, paralleled his own: "General Browne was defeated by Governor Hendricks on the temperance question, and Thomas Marshall beat me on the same issue. In remarking to Marshall on the matter one day, I said to him that I thought the temperance issue was a mighty bad one for my family. Whereupon Marshall remarked: 'No Jim, your family is a damned bad family for the temperance issue.'" *Ibid.*, 19.

¹² *Indiana Senate Journal* (1909), 107-8.

¹³ Dunn, *Indiana and Indianans*, II:748.

¹⁴ Richard John Del Vecchio, "Indiana Politics During the Progressive Era, 1912-1916" (Ph.D. diss., University of Notre Dame, 1973), 38-40. According to Del Vecchio, reform was an integral part of the Hoosier state "long before the fulminations of [Theodore] Roosevelt, the exposes of the muckrakers, or the revolt of the Republican insurgents." *Ibid.*, v.

¹⁵ Marshall address to Democratic State Convention, 27 April 1910, Thomas R. Marshall Papers, Indiana State Library, Indianapolis.

¹⁶ Marshall, *Recollections*, 178.

¹⁷ Charles Kettleborough, *Constitution Making in Indiana: A Source Book of Constitutional Documents with Historical Introduction and Critical Notes*, 2 vols. (Indianapolis: Indiana Historical Commission, 1916), 2:338-39. See also, John D. Barnhart and Donald F. Carmony, *Indiana's Century Old Constitution* (Indianapolis: State Constitution Centennial Commission, 1951), 17-18.

¹⁸ "Suggests a Way to Amend Constitution," *Indianapolis News*, 21 December 1908.

¹⁹ "Many Reports as to Purpose of Caucus," *Indianapolis News*, 13 February 1911.

²⁰ Robert Luce, *Legislative Principles: The History and Theory of Lawmaking by Representative Government* (Boston and New York: Houghton Mifflin Co., 1930), 140.

²¹ "Explains Plan for New Constitution," *Indianapolis News*, 14 February 1911.

²² Dunn, *Indiana and Indianans*, 2:771.

²³ Dunn, "Duty of the State," 142-43.

²⁴ Caroline Dunn, telephone conversation with author, 7 February 1992.

²⁵ See R. L. Polk Co.'s *City Director of 1911* (Indianapolis: R. L. Polk and Co., 1911), 507, 1026.

²⁶ Jacob Piatt Dunn, *The Proposed Constitution of Indiana* (Indianapolis: Sentinel Printing Co., 1911), 4.

²⁷ *Ibid.*, 9. The 1816 Constitution states in Article VIII, Section 1, that: "Every twelfth year, after this constitution shall have taken effect, at the general election held for Governor there shall be a poll opened, in which the qualified Electors of the State shall express by vote, whether they are in favour of calling a convention, or not, and if there should be a majority of all the votes given at such election . . . the Government shall inform the next General Assembly thereof, whose duty is shall be to provide, by law, for the election of the members to the convention." See Kettleborough, *Constitution Making in Indiana*, 1:111-12.

²⁸ Dunn, *The Proposed Constitution*, 11.

²⁹ Ibid., 22.

³⁰ Ibid., Addendum, 1-8. See also, Phillips, *Indiana in Transition*, 111.

³¹ Thomas R. Marshall to Theodore W. Noyes, 17 May 1913, Thomas R. Marshall Papers, Indiana State Library, Indianapolis.

³² Jacob Piatt Dunn, "The Proposed Constitution of Indiana," *Indiana Magazine of History* 7 (September 1911):100.

³³ Dunn, *The Proposed Constitution*, 26.

³⁴ Hofstadter, *The Age of Reform*, 178.

³⁵ Dunn, *The Proposed Constitution*, Addendum, 2.

³⁶ A. James Reichley, *The Life of the Parties: A History of American Political Parties* (New York: The Free Press, 1992), 208-09.

³⁷ See Roger Daniels, *Coming to America: A History of Immigration and Ethnicity in American Life* (New York: HarperCollins, 1990), 278; John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925* (New Brunswick, N.J.: Rutgers University Press, 1955), 203; and Wiebe, *The Search for Order*, 210.

³⁸ Undated speech [given to the American Political Science Association annual meeting, 27-30 December 1911], Dunn Papers, Indiana Historical Society. Text reprinted as "The Proposed Legislative Constitution of Indiana," *Proceedings of the American Political Science Association in American Political Science Review* 6 (1912):43-52, Supplement.

³⁹ In the late 1840s and early 1850s, many states in the West believed that any "arduous restrictions on the vote or any other fundamental rights would discourage newcomers." See Crotty, *Political Reform and the American Experiment*, 19-20.

⁴⁰ Undated speech, Dunn Papers, Indiana Historical Society.

⁴¹ Ibid.

⁴² Thomas R. Marshall to Henry Barnhart, 17 February 1911, Thomas R. Marshall Papers, Indiana State Archives, Commission on Public Records, Indianapolis.

⁴³ "Governor Defends New Constitution," *Indianapolis News*, 2 June 1911.

⁴⁴ "Declare People's Right is Usurped," *Indianapolis Star*, 15 February 1911.

⁴⁵ "Proposes Clean Sweep," *Indianapolis Star*, 17 February 1911.

⁴⁶ "Durbin and Hanly Assail Marshall," *Indianapolis Star*, 17 February 1911; and "Riddle Plan of Governor," *Indianapolis Star*, 18 February 1911.

⁴⁷ Editorial, *Indianapolis Star*, 16 February 1911.

⁴⁸ Editorial, *Indianapolis Star*, 18 February 1911.

⁴⁹ Dunn, *The Proposed Constitution*, 47.

⁵⁰ "Governor's Draft Amended in Part," *Indianapolis Star*, 14 February 1911.

⁵¹ Marshall to Barnhart, 17 February 1911, Marshall Papers, Indiana State Archives.

⁵² Marshall to Barnhart, 22 February 1911, *ibid.*

⁵³ "Governor Defends New Constitution," *Indianapolis News*, 2 June 1911.

⁵⁴ James A. Woodburn to Grace Julian Clarke, 22 March 1911, Grace Julian Clarke Papers, Indiana State Library, Indianapolis.

⁵⁵ James A. Woodburn, *Why Indiana Needs a New Constitution* (Indianapolis: Woman's Franchise League of Indiana, 1913), 6.

⁵⁶ Dunn, *Indiana and Indianans*, 2:771.

⁵⁷ "Partisan Feeling Runs High in House," *Indianapolis Star*, 18 February 1911.

⁵⁸ Dunn, *Indiana and Indianans*, 2:771.

⁵⁹ Undated speech [given to the American Political Science Association annual meeting, 27-30 December 1911], Dunn Papers, Indiana Historical Society.

⁶⁰ *Ellingham v. Dye*, 178 Ind. 336-443 (1912), quotation at 340-41.

⁶¹ Ibid., 381.

⁶² Ibid., 439.

⁶³ Marshall, *Recollections*, 210-14.

⁶⁴ Ibid., 213.

⁶⁵ Ibid., 214.

⁶⁶ Editorial, *Indianapolis Star*, 2 December 1913.

⁶⁷ Dunn, *Indiana and Indianans*, 2:775-76.

⁶⁸ Ibid., 776.

⁶⁹ Jacob Piatt Dunn, *The Constitutional Amendments and the Democratic Party: An Address Delivered June 17th, 1921 to the Indiana Democratic Club of Indianapolis* (Greenfield, Ind.: Mm. Mitchell Printing Co., 1921), 16.

⁷⁰ Ibid., 3-4.

⁷¹ Dunn, *The Negro Issue*, 17, 22. See also, "Jacob P. Dunn Talks on the Negro Issue," *Indianapolis News*, 14 October 1904.

⁷² Charles Kettleborough, *Constitution Making in Indiana: A Source Book of Constitutional Documents with Historical Introduction and Critical Notes*, Vol. 3, 1916-1930 (1930; reprint, Indianapolis: Indiana Historical Bureau, 1977), 193, 221-31.

⁷³ Ibid., 231-43.

⁷⁴ John A. Bremer, *Constitution Making in Indiana: A Source Book of Constitutional Documents with Historical Introduction and Critical Notes* (Indianapolis: Indiana Historical Bureau, 1978), vii-viii.

⁷⁵ Luce, *Legislative Principles*, 140.

⁷⁶ Albert Sturm, *Methods of State Constitutional Reform* (Ann Arbor, Mich.: University of Michigan Press, 1954), 23.

⁷⁷ Walsh, *The Centennial History of the Indiana General Assembly*, 329, 335. See also "Assembly to Consider Four Amendments to Constitution," *Indianapolis Star*, 19 January 1925.

⁷⁸ For the national figures see Piven and Cloward, *Why Americans Don't Vote*, 54-55; for Indiana's totals see Del Vecchio, "Indiana Politics During the Progressive Era," 36.

CONCLUSION

Defeated by the courts in his attempt to transform Indiana's Constitution, Dunn nevertheless continued to immerse himself in Democratic party affairs and historical research. In 1913 he and fellow Hoosier Democrat Major G. V. Menziws of Mount Vernon were under consideration by President Woodrow Wilson to be named as the United States Minister to Portugal, a job that had been turned down by Indiana writer and diplomat Meredith Nicholson. Washington correspondent and Hoosier native Louis Ludlow reported that as a scholar and a literary man, Dunn was more than capable of filling the post "in accordance with the highest ideals of the diplomatic service." Also, and perhaps more importantly to the Democratic party, the historian's politics had always been of the "'regular brand.'" Another point in Dunn's favor was his earlier support of the free coinage of silver, which was looked upon favorably by Secretary of State William Jennings Bryan, perennial Democratic presidential nominee and a staunch silverite. As Ludlow correctly predicted, however, Indiana lost out on the Portugal post when Nicholson decided against taking the position.¹

Instead of a diplomatic berth in Europe, Dunn turned his attention toward an adventure that would test his historical detective skills. In December 1921, well into his

sixties, he journeyed to Haiti with the announced intention of attempting to find the lost gold mine of Christopher Columbus. Actually, Dunn, with financial assistance from a group of twenty Indianapolis businessmen and attorneys, and one of his wife's relatives, president of the Haitian-American Sugar Company, went to Haiti to prospect for another rich ore--manganese. During his several months in the Caribbean nation Dunn discovered traces of the valuable metal, but not in sufficient quantities to risk large-scale mining operations. He returned to his Indianapolis home in February 1922. The trip may have failed to provide Dunn with riches from precious metals, but it did offer the historian the opportunity to investigate and write about Haitian dialects and the American presence in that country.²

Politics beckoned a year after Dunn's return from his Haitian experience. Newly elected United States Senator Samuel Ralston, former Indiana governor and a man who counted Dunn as a close friend, selected the historian to be his private secretary for his Washington office. Dunn's time in the nation's capital would be short. During his travels in Haiti he had contracted some form of tropical disease that left him susceptible to jaundice. His ill health forced his return to Indianapolis where he died on 6 June 1924. Commenting on his fellow Democrat's death, Ralston expressed his "great admiration" for Dunn. "He was not only loyal to the truth at whatever cost," said Ralston, "but he was loyal

to a friend. And trustworthy--absolutely so. I shall miss him."³

There are some scholars who regret that Dunn had not been born into a family of great wealth and prominence so he could have become Indiana's version of nationally prominent historian-politicians like Henry Adams and Henry Cabot Lodge, or pursued a doctorate in history so that his researches into the past might have received the support and encouragement of a university setting.⁴ Dunn's work on local and state history, however, has weathered the years far better than many others, especially his book *Greater Indianapolis*, which has served as **the** standard work on the Hoosier capital's history for more than eighty years and is still consulted today by students and scholars interested in the city's early development. As an often active participant in Indianapolis's civic affairs through his career in journalism and politics, Dunn, more than a historian merely consulting paper documents recording the past, had the ability to impart to his readers the "inside story" of some of the events that helped to shape the community. Admittedly partisan in his support of the Democratic party, Dunn still proved to be scrupulous in presenting both sides of an issue. He may have questioned the correctness of a particular opposition politician's position on an point under debate, but Dunn recorded for posterity's sake all the details of that person's argument. Following his repudiation at the polls by English voters in 1945, Prime Minister

Winston Churchill commented that for his part, he considered it "will be found much better by all parties to leave the past to history, especially as I propose to write that history myself."⁵ Dunn, too, possessed this ability. No matter if he or his party were beaten on a particular issue, Dunn took some satisfaction in knowing that he could always have the last word on an issue through his writings.

Along with amateurs like John Brown Dillon and George S. Cottman, Dunn stands as one of the leading figures in Indiana historiography. Dunn also deserves, however, a foremost spot in the Hoosier state's political history for his efforts on behalf of numerous reform measures during the late nineteenth and early twentieth centuries, especially his crusades to purify the ballot in Indiana. This blending of history and politics seemed a natural affair to Dunn who believed that a state "can not possibly profit fully by its experience unless it provides for handing it down from one generation to another by the preservation of its history."⁶ Through his personal involvement in issues and his writing about them, Dunn made certain that no Hoosier would soon forget the lessons of his time.

NOTES TO CONCLUSION

¹ "Two Indianians Suggested for Portugal Post," *Indianapolis Star*, 25 June 1913.

² See "Indianapolis Man, Backed by Local Bankers, Seeks Lost Mine of Columbus," *Indianapolis Star*, 27 January 1922; and Ruegamer, "History, Politics, and the Active Life," 281.

³ "Jacob Dunn Funeral to be Held Monday," *Indianapolis News*, 7 June 1924.

⁴ Ruegamer, "History, Politics, and the Active Life," 282.

⁵ William Manchester, *The Last Lion: Winston Spencer Churchill, Visions of Glory, 1874-1932* (New York: Dell Publishing, 1983), 25-26.

⁶ Dunn, "Duty of the State to Its History," 143.

BIBLIOGRAPHICAL ESSAY

Listed below are the works that were of the greatest help in preparing this work. By no means a complete record, this essay does substantially cover those primary and secondary sources that would be most useful to those wishing to explore the life of Jacob Piatt Dunn, Jr. and Indiana politics during the late nineteenth and early twentieth centuries.

JACOB PIATT DUNN, JR.

In examining the life and times of Jacob Piatt Dunn, Jr., the greatest resource available has been the work of Dunn himself. Never shy about expounding on his role in the political maneuverings of his time, Dunn deals with the reform efforts he championed in both *Greater Indianapolis: The History, the Industries, the Institutions, and the People of a City of Homes*, 2 vols. (Chicago, 1910) and *Indiana and Indianans: A History of Aboriginal and Territorial Indiana and the Century of Statehood*, 5 vols. (Chicago and New York, 1919). The Hoosier historian's papers located in the Indiana State Library and the Indiana Historical Society also provide valuable insights into Dunn the reformer.

Dunn, a prolific writer, offered glimpses into his beliefs through a variety of works for numerous publications. Those that proved to be most helpful for this paper included "Duty of the State to Its History," *Indiana Magazine of History* 6 (December 1910): 137-43; "Shall Indian Languages Be Preserved?" *Journal of the Illinois State Historical Society* 10 (April 1917): 87-96; *The New Tax Law of Indiana and the Science of Taxation* (Indianapolis, 1892); *The Omitted Paper: Municipal Financial Pressure, An Address before the Second Annual Conference on Taxation in Indiana by J. P. Dunn, City Controller of Indianapolis* (Indianapolis, 1914); *The Real Trouble with the Indiana Tax Law: An Address by J. P. Dunn, City Controller of Indianapolis, at the Bloomington Tax Conference, February 5 and 6, 1914* (n.p., 1914); *Why is a Democrat? Speech of Hon. Jacob P. Dunn on the Issues of the Present City Campaign, Before the Democratic Business Men's Meeting at the Denison Hotel, September 26., 1913* (Indianapolis, 1913); *The Negro Issue: An Address by Jacob Piatt Dunn, City Controller of Indianapolis, before the Indiana Democratic Club, October 13, 1904* (Indianapolis, 1904); *The Unknown God and Other Orthodox Essays* (Indianapolis, 1914); and "An Historical Detective Story," *Proceedings of the Mississippi Valley Historical Association . . . for the Year 1919-1920*, X, Pt. II (1921):230-58.

There are only a few scholarly works on Dunn and his life, but those were extremely helpful for this effort.

Particularly valuable was Lana Ruegamer's "History, Politics, and the Active Life: Jacob Piatt Dunn, Progressive Historian," *Indiana Magazine of History* 81 (September 1985): 265-83, and her examination of Dunn's relationship with the Indiana Historical Society in her book *A History of the Indiana Historical Society, 1830-1980* (Indianapolis, 1980). Another work that provided background on Dunn's life was Caroline Dunn's *Jacob Piatt Dunn: His Miami Language Studies and Indian Manuscript Collection* (Indianapolis, 1937).

Contemporaries of Dunn offered their assessments of the Democratic reformer and historian, and the experience of working for partisan newspapers like the *Indianapolis Sentinel*, in such works as Claude Bowers's *My Life: The Memoirs of Claude Bowers* (New York, 1962); Karl Detzer, *Myself When Young* (New York, 1968); and Louis Ludlow, *From Cornfield to Press Gallery: Adventures and Reminiscences of a Veteran Washington Correspondent* (Washington, D.C., 1924).

For Dunn's place in the Progressive era, and the reasons for his crusading spirit, Robert M. Crunden's *Ministers of Reform: The Progressives' Achievement in American Civilization, 1889-1920* (New York, 1982), especially the role of parents on the subsequent careers of progressives like Dunn, was invaluable to this paper. The following works also offered background on the Progressive era and reform in the late nineteenth and early twentieth centuries: Richard Hofstadter, *The Age of Reform: From Bryan to F.D.R.* (New York, 1955); Hofstadter, *The Progressive*

Historians: Turner, Beard, Parrington (New York, 1968); Keith W. Olson, *Biography of a Progressive: Franklin K. Lane, 1864-1921* (Westport, Conn., 1979); Arthur S. Link and Richard L. McCormick, *Progressivism* (Arlington Heights, Ill., 1983); Daniel T. Rogers, "In Search of Progressivism," *Reviews in American History* 10 (1982): 113-32; William J. Crotty, *Political Reform and the American Experiment* (New York, 1977); John D. Buenker, *Urban Liberalism and Progressive Reform* (New York, 1973); and Russel B. Nye, *Midwestern Progressive Politics: A Historical Study of Its Origins and Development, 1870-1958* (East Lansing, Mich., 1959).

INDIANA POLITICS AND THE AUSTRALIAN BALLOT ISSUE

The Hoosier state's prominence in national politics at the turn of the century drove many of Dunn's attempts at reform. The most comprehensive examination of this time period can be found in Clifton J. Phillips's *Indiana in Transition: The Emergence of an Industrial Commonwealth, 1880-1920* (Indianapolis, 1968). For a shorter synopsis of the nineteenth state's political past, see Ralph Gray's *Indiana's Favorite Sons, 1840-1940* (Indianapolis, 1988). An excellent examination of this "golden age" in Indiana's history can be found in John Bartlow Martin's *Indiana: An Interpretation* (New York, 1947). Also useful for the actions of the Indiana legislature during this period is Justin

Walsh's *The Centennial History of the Indiana General Assembly, 1816-1978* (Indianapolis, 1987).

For this study, Richard John Del Vecchio's "Indiana Politics During the Progressive Era, 1912-1916" (Ph.D. diss., University of Notre Dame, 1973), was particularly helpful, especially his view of reform constituting an integral part of the Hoosier state for many years before the advent of Theodore Roosevelt and the muckrakers.

Although now somewhat outdated, Eldon C. Evans's *A History of the Australian Ballot System in the United States* (Chicago, 1917) offered useful information on the structure of this electoral reform. For a more contemporary account, see L. E. Fredman's *The Australian Ballot: The Story of an American Reform* (East Lansing, Mich., 1968). Also useful for this study was Jerrold G. Rusk's "The Effect of the Australian Ballot Reform on Split Ticket Voting: 1876-1908," *American Political Science Review* 64 (December 1970): 1220-38. For Indiana's experience with the Australian ballot system, see Robert LaFollette's "The Adoption of the Australian Ballot in Indiana," *Indiana Magazine of History* 24 (June 1928): 105-20.

The voting methods used by the state before and after the Australian ballot are highlighted in two works, Anna Marie Sander's "A Review of the Election Laws in the State of Indiana from 1787 to 1890" (M.A. thesis, Butler University, 1933), and Charlotte Ethel Bruce's "A Review of Indiana Election Laws, 1889-1935" (M.A. thesis, Butler

University, 1935). For an entertaining look at electoral fraud in the state near the turn of the century, Simeon Coy's *The Great Conspiracy: A Complete History of the Famous Tally-Sheet Cases* (Indianapolis, 1889) ranks with *Plunkitt of Tammany Hall* as a manual for practical politics. On the other side of the coin, the case for reform is eloquently made in William P. Fishback's *A Plea for Honest Elections: An Address Delivered to the Students of Indiana State University, May, 1886* (Indianapolis, 1886). The Democratic party's efforts at reform are covered exhaustively in David Sarasohn's *The Party of Reform: Democrats in the Progressive Era* (Jackson, Miss., 1989).

THE INDIANAPOLIS CITY CHARTER

Along with Dunn's inside view as offered in Chapter 27, "The City Charter," in *Greater Indianapolis*, a useful resource for the city's 1891 charter can be found in Charles Latham's *William Fortune (1863-1942): A Hoosier Biography* (Indianapolis, 1994), and the "Government" and "City Charters" entries in *The Encyclopedia of Indianapolis* (Bloomington and Indianapolis, 1994).

For details on Indianapolis in the late nineteenth century, see Martin's *Indiana: An Interpretation* and Hester Anne Hale's *Indianapolis: The First Century* (Indianapolis, 1987). A national perspective on the movement for municipal governmental reforms is provided by Samuel P. Hays's *The*

Response to Industrialism, 1885-1914 (Chicago and London, 1957) and his article "The Politics of Reform in Municipal Government in the Progressive Era," *Pacific Northwest Quarterly* 55 (October 1964): 157-69. Also helpful for this study was Robert H. Wiebe's exploration of the new urban-industrial order in *The Search for Order, 1877-1920* (New York, 1967).

DUNN, GOVERNOR THOMAS MARSHALL, AND THE INDIANA CONSTITUTION

The only biography of Thomas Marshall is Charles M. Thomas's *Thomas Riley Marshall: Hoosier Statesman* (Oxford, Ohio, 1939), which benefited from the support of Marshall's secretary, Mark Thistlewaite. Although entertaining reading, Marshall's memoir *Recollections of Thomas R. Marshall, Vice President and Hoosier Philosopher: A Hoosier Salad* (Indianapolis, 1925) offers a limited picture of the Hoosier politician's life. More thorough treatments of Marshall's political career are given in Keith S. Montgomery's "Thomas R. Marshall's Victory in the Election of 1908," *Indiana Magazine of History* 53 (June 1957): 147-66, and Rollo E. Mosher's "Tom Marshall's Term as Governor" (M.A. thesis, Indiana University, 1932). Marshall's papers in the Indiana State Archives and Indiana State Library also give more detailed accounts of his attitudes about the new Indiana Constitution fashioned by Dunn.

Dunn's role in the new Indiana Constitution is highlighted in Chapter 13, "An Era of Reform," in the second volume of his *Indiana and Indianans*. The Hoosier historian's arguments for the new Constitution and a detailed description of its differences with the 1851 Indiana Constitution can be found in Dunn's *The Proposed Constitution of Indiana* (Indianapolis, 1911). A spirited rebuke to Dunn's plan is offered by Christopher Coleman's article "The Development of State Constitutions," *Indiana Magazine of History* 7 (June 1911): 41-51.

The best treatments of the national movement during the Progressive era to limit the suffrage rights of certain groups can be found in William J. Crotty's *Political Reform and the American Experiment* (New York, 1977) and Frances Fox Piven and Richard A. Cloward's *Why Americans Don't Vote* (New York, 1989). The latter gives an excellent review of the procedural methods used by reformers to limit voting rights. The suffrage restrictions aimed at immigrants are also explored in Roger Daniels's *Coming to America: A History of Immigration and Ethnicity in American Life* (New York, 1990), and John Higham's classic work *Strangers in the Land: Patterns of American Nativism, 1860-1925* (New York, 1955).

For a review of the attempt in Indiana to revise the 1851 Constitution, the most extensive examination is in Charles Kettleborough's *Constitution Making in Indiana: A Source Book of Constitutional Documents with Historical Introduction and Critical Notes*, 2 vols. (Indianapolis,

1916). Those consulting this work should be warned that in several instances the documentary material was not transcribed accurately. This is particularly true in the *Ellingham v. Dye* decision. Later methods at revising the Indiana Constitution are examined in John A. Bremer's *Constitution Making in Indiana: A Source Book of Constitutional Documents with Historical Introduction and Critical Notes* (Indianapolis, 1978). The procedures utilized over the years to amend constitutions is covered in Robert Luce's *Legislative Principles: The History and Theory of Lawmaking by Representative Government* (Boston and New York, 1930) and Albert Sturm's *Methods of State Constitutional Reform* (Ann Arbor, Mich., 1954).

BIOGRAPHICAL NOTE

Born in Mishawaka, Indiana, Ray Boomhower received his bachelor's degree in journalism and political science from Indiana University in 1982. Currently public relations coordinator for the Indiana Historical Society, Boomhower also serves as contributing editor for the Society's illustrated history magazine *Traces of Indiana and Midwestern History*. Along with articles for the quarterly magazine, he writes the regular column "Destination Indiana," which examines historical sites in the Hoosier state.

Before joining the IHS staff in 1987, Boomhower also worked as a reporter for the *Rensselaer Republican* and *Anderson Herald* newspapers. His work has appeared in such publications as the *Indiana Magazine of History*, *Outdoor Indiana*, and *History News*.